

# Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue  
**Hybrid meeting - Zoom - County Hall**

Meeting Date  
**Thursday, 21 September 2023**

Meeting Time  
**10.00 am**

For further information please contact  
**Carol Johnson**  
01597826206  
carol.johnson@powys.gov.uk



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

14 September 2023

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.  
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

## AGENDA

<b>1.</b>	<b>APOLOGIES</b>
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To receive apologies for absence.

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 10 August 2023 as a correct record.

(Pages 5 - 10)

<b>Planning</b>
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<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

<b>4.</b>	<b>PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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To consider the reports of the Head of Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 11 - 12)

**4.1. Updates**

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

**4.2. 21/1749/RES Land at Rhallt View, Buttington, Welshpool, Powys, SY21 8SR**

(Pages 13 - 38)

**4.3. 23/0655/FUL Land at Allt Y Maen, Meifod, Powys, SY22 6BP**

(Pages 39 - 58)

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.

(Pages 59 - 170)

<b>6.</b>	<b>APPEAL DECISIONS</b>
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To receive letters regarding appeals considered by Planning & Environment Decisions Wales.

(Pages 171 - 180)

<b>Taxi and other licensing</b>
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<b>7.</b>	<b>DECLARATIONS OF INTEREST</b>
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To receive any declarations of interest from Members relating to the following items on the agenda.

<b>8.</b>	<b>MINUTES OF TAXI LICENSING SUB-COMMITTEES</b>
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To authorise the Chair presiding at the Taxi Licensing Sub-Committee on 9 August 2023 to sign the minutes as a correct record.

(Pages 181 - 182)

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**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON THURSDAY, 10 AUGUST 2023**

**PRESENT**

County Councillor G D Jones (Chair)

County Councillors T Colbert, A Davies, D Edwards, H Hulme, P James, A Jones, G E Jones and G Pugh

<b>1. APOLOGIES</b>
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Apologies for absence were received from County Councillors J Ewing, C Kenyon-Wade, K Lewis, G Morgan, E Roderick, E Vaughan, J Wilkinson and D H Williams.

<b>2. MINUTES OF THE PREVIOUS MEETING</b>
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The Democratic Services Officer advised that Councillor J Ewing had attended the meeting on 19 July 2023 but as she had not completed the required mandatory training, she did not participate in the discussions or vote. She observed the meeting and the Officer advised that this should be recorded in the minutes. With this amendment, the Chair was authorised to sign as a correct record the minutes of the meeting held on 19 July 2023.

<b>Planning</b>
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<b>3. DECLARATIONS OF INTEREST</b>
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(a) County Councillor A Jones declared an interest in application 23/0655/FUL because he is a relative to the applicant.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

The Solicitor noted that members had received emails from parties interested in the first application. He reminded members of the Planning Protocol and that where correspondence is received by for example letter or emails, such correspondence should be referred to the relevant planning officer. Members can acknowledge receipt but should not engage in correspondence with an applicant or an objector, so that they can continue as a decision maker if an application is brought to Committee. He advised it was for individual members to

consider if they have indicated by correspondence whether they are predetermined position regarding an application. If they do consider that they are predetermined they would need to declare an interest and not take part in the discussion or vote.

#### 4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

##### 4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

##### 4.2 23/0820/FUL Former Motorworld Site, Gas Street, Newtown, Powys, SY16 2AD

**Grid Ref:** E: 310979 N: 291595

**Valid Date:** 15.06.2023

**Community Council:** Newtown and Llanllwchaiarn Town Council

**Applicant:** Mr N Bryant

**Location:** Former Motorworld Site, Gas Street, Newtown, Powys, SY16 2AD

**Proposal:** Demolition of existing building and erection of a building containing a ground floor retail space with 4 flats above (with associated auxiliary spaces) (resubmission of 22/1033/FUL)

**Application Type:** Full application

The Senior Planning Officer advised since the previous refusal the developer has undertaken pre-application discussions with the Built Heritage Officer and has now amended the scheme. The application is now for 4 flats rather than the original 7, which has meant that the height of the building has reduced.

Mrs T Davies spoke against the application.  
Mr G Jones spoke as the agent.

In response to questions regarding car parking the Highways Officer advised that as this was a town centre development where long and short stay parking was available, the provision of designated car parking was not required. He advised that the vehicle movements from the current commercial use would likely to be more than those from a proposed residential development.

The Senior Planning Officer advised, in response to a question regarding the height of the proposed development, that the development was acceptable

taking into account the relative height to other properties and the fact that this was an urban area. The development was in line with the Residential Development Design Supplementary Planning Guidance [SPG]. In respect of the issue of the building overlooking other properties she advised that the front of the building was not directly facing other buildings. In addition, the Principal Planning Officer advised that although the proposed development was overlooking a garden area, the highway was between the two and this is in an urban environment. This is addressed in the officer's report and the proposed development is considered acceptable. The Committee noted that solar panels are included in the proposed development and hidden on the roof facing away from the front of the building.

It was moved and duly seconded to approve the application as recommended by the officer.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes.</b>	<b>As officer's recommendation as set out in the update report which is filed with the signed minutes.</b>

The Committee was advised that to be quorate 9 members needed to be present to consider an application. As one member had declared an interest in the next application, the Committee would not be quorate and therefore the next application could not be considered.

#### 4.3 23/0655/FUL Land at Allt Y Maen, Meifod, Powys, SY22 6BP

**Grid Ref:** E: 317064 N: 314973

**Valid Date:** 12/05/23

**Community Council:** Meifod Community Council

**Applicant:** Mr J R Wilkinson

**Location:** Land at Allt Y Maen, Meifod, Powys, SY22 6BP

**Proposal:** Erection of replacement livestock building and all associated works

**Application Type:** Full application

As the meeting was not quorate this application was not considered and would be brought back to a future meeting.

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 14 July 2023 and 1 August 2023.

<b>Rights of Way</b>
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<b>6.</b>	<b>DECLARATIONS OF INTEREST</b>
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There were no declarations of interest.

<b>7.</b>	<b>TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 PUBLIC PATH ORDER PROPOSAL</b>
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The Committee considered the proposal to divert part of footpaths 3 and 51, on land at Brynygroes Farm, Ystradgynlais SA9 1LF (Community of Ystradgynlais).

In response to a question the Assistant Commons Registration and Definitive Map Officer advised that the proposed diversion would be an extra 20 to 30 metres. In response to a question, she advised that as the applicant does not own the surrounding land, it was not in “their gift” to divert the path to a route suggested by an objector.

**RESOLVED:**

- 1. That an Order be made to divert footpaths 3 and 51, at land at Brynygroes in the community of Ystradgynlais as shown on the plan at appendix C;**
- 2. That if the Order is made and opposed, unless significant new information comes to light, it is submitted to Planning and Environment Decisions Wales for determination;**
- 3. That the Council takes a neutral stance with respect to confirmation of the Order, if it is submitted to the Planning and Environment Decisions Wales for determination.**

<b>Taxi and other licensing</b>
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<b>8.</b>	<b>DECLARATIONS OF INTEREST</b>
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There were no declarations of interest.



<b>9.</b>	<b>MINUTES OF TAXI LICENSING SUB-COMMITTEES</b>
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The Chair presiding at the Taxi Review Panel held on 30 March 2023 was authorised to sign the minutes as a correct record.

**County Councillor G D Jones (Chair)**

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**Planning, Taxi Licensing and Rights of Way Committee**  
**21<sup>st</sup> September 2023**

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

**Applications for consideration by Committee:**

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p><b>21/1749/RES</b></p> <p>Welshpool Community</p> <p>324280 308965</p> <p>27:09:2021</p>	<p>Reserved Matters Application in respect of outline permission 19/0494/OUT for the erection of a drivethru restaurant (class A3 use), formation of vehicular access roadway, parking area and all associate works together with demolition of 1 dwelling and associated buildings</p> <p>Land at Rhallt View, Buttington, Welshpool SY21 8SR</p> <p>Mr Delves</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
<p><b>23/0655/FUL</b></p> <p>Meifod Community</p> <p>317064 314973</p> <p>12.05.2023</p>	<p>FULL: Erection of replacement livestock building and all associated works</p> <p>Land at Allt y Maen, Meifod, Powys SY22 6BP</p> <p>Mr J R Wilkinson</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>

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# 4.2

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application Number:</b>	21/1749/RES	<b>Grid Ref:</b>	E: 324280 N: 308965
<b>Community Council:</b>	Welshpool Community	<b>Valid Date:</b>	27.09.2021

**Applicant:** Mr Delves

**Location:** Land at Rhallt View, Buttington, Welshpool, Powys, SY21 8SR.

**Proposal:** Reserved matters application in respect of outline planning permission 19/0494/OUT for the erection of a drive thru restaurant (class A3 use), formation of vehicular access roadway, parking area and all associated works together with demolition of 1 dwelling and associated buildings

**Application Type:** Reserved Matters

### The reason for Committee determination

Called in by the Local Members in respect of access and the subsequent increase in traffic flow.

### Consultee Responses

Consultee	Received
<u>Community Council</u>	19th Oct 2021

Members objected strongly to this application for the following reasons:

- proposed demolition of a residential property to this application,
- it is outside the boundary for development as identified in the LDP
- It would be a major Health and Safety issue with pedestrians crossing at the junction of the trunk roads, on the roundabout.

Councillors oppose such commercial development outside the town centre

The vote was unanimous.

PCC-Building Control

No comments received at the time of writing this report.

Ward Councillor

8th Oct 2021

I would like to call this application in as I am very concerned about the access to this development and the subsequent increase in traffic flow on an already congested roundabout.

Hafren Dyfrdwy

18th Oct 2021

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

If there are drainage proposals available (as I have been unable to locate them), can you please email them to APPlanning@hdcymru.co.uk quoting the above HD ref.

PCC-(M) Highways

14th Oct 2021

Thank you for consulting the Highway Authority on this matter.

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk roads A458(T) and A483(T) which come under the jurisdiction of the Welsh Government Highways.

Environmental Health

No comments received at the time of writing this report.

PCC-Ecologist

6th Apr 2022

Holding objection - further information is required

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

## DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

### Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

### Comments:

The application is informed by the following information:

- o Jones, R.M (22 October 2021) Ecological Assessment: Land at Rhallt View and Tan Yr Allt View, Buttington, Welshpool, SY21 8SR, Ref. DC/2254/19.2. Star Ecology

Survey effort and methods employed in accordance with current national guidelines?

Yes

The supplementary bat activity survey confirmed no bats to be roosting in the farmhouse (building 1), which is to be retained within the development. The other buildings on site were previously assessed as having negligible potential for roosting bats. The surveys in 2021 confirmed little commuting and foraging activity around the farmhouse at the site. NRW's comments regarding wider impact to bat movements from increased levels of external lighting from the site (which is likely to be greater than current use) are of note. Condition 6 of 19/0494/OUT includes the requirement to provide external lighting details prior to commencement of development as part of the Landscape Ecological Management Plan. I also concur that a certain level of soft landscaping is required to be retained within the development in light of recent information regarding presence of local bat roosts. Sensitive landscaping design can assist in mitigating potentially disruptive light spill.

Conditions 6 and 8 of 19/0494/OUT remain valid.

I note previous ecology comments identified that the development site is located 120m from the Montgomery Canal SAC/SSSI. The site is actually located approximately 60m from the SAC. NRW have identified potential for airborne pollutants from demolition and construction works to reach the SAC. Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the Montgomery Canal SAC and/or its associated features during demolition or construction activities further information will be required prior to determination of the application.

The information is required to enable the Local Planning Authority to assess the potential impacts of the proposed development on the River Wye SAC, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species

Regulations 2017 (as amended). This information is required to be submitted prior to determination of the application.

Further information required prior to determination:

i. Pollution Prevention Plan. It is recommended that preparation of the Pollution Prevention Plan refers to relevant guidance including GPP 1: A general guide to preventing pollution and GPP5 Works and maintenance in or near water, which can be found at: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>

*Additional Consultation Response*

9<sup>th</sup> Aug 2023

Previous comments provided 06/04/2022.

A Habitats Regulations Assessment (HRA) Test of Likely Significance has been undertaken to establish whether the proposed development could result in a likely significant impact to the Montgomery Canal SAC and/or its associated features. The HRA screening concluded that a likely significant effect to the Montgomery Canal SAC and/or its associated features could not be ruled out. (This conclusion was reached by assessing the proposed development in the absence of mitigation as required by legal ruling.) An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions the proposed development would not result in an adverse effect to the integrity of the Montgomery Canal SAC in light of its conservation objectives. I have attached a copy of the Habitat Regulations Appropriate Assessment report.

In accordance with the requirements of the Regulations, NRW as the Statutory Nature Conservation Body will need to be consulted to confirm that they are in agreement with the conclusion of the Appropriate Assessment.

The following condition must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

1. The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, dated 31/07/2023, by Arbor Vitae. The measures identified shall be adhered to and implemented in full.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.*



PCC-(N) Land Drainage

No comments received at the time of writing this report.

Natural Resources Wales (Mid Wales)

22nd Oct 2021

DPAS

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species.

Requirement 1 - Protected Species: The submission of a bat activity survey report that informs the landscape plan and lighting scheme, to demonstrate the proposal is not detrimental to the maintenance of the population of any species of bats concerned at a favourable conservation status in its natural range.

If this information is not provided, we would object to this planning application.

Further details are provided below.

We also advise that based on the information submitted to date, condition 6 and condition 7 attached to planning permission 19/0494/OUT, regarding protected species remain applicable to this Reserved Matters application.

Condition 6: No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site, has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include, but not limited to, the following: Details of habitats, landscape, ecological features present or to be retained/created at the site; Details of the desired conditions of the features at the site; Details of scheduling and timing of activities; Details of short and long term management to deliver and maintain the desired condition; Details of an exterior lighting scheme to demonstrate retention of dark wildlife corridors

Condition 7: No demolition shall take place until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Protected Species

We have reviewed the information submitted in support of this application and the proposed block plan (drawing 70108/21/02 dated May 2021). We note the plan has been changed

since the determination of the outline application. The new proposed layout includes the retention of the existing farmhouse and one outbuilding. We welcome the retention of the farmhouse, which was found to have moderate potential to host bats in the 2019 surveys carried out by Star Ecology, buildings and associated curtilage.

We refer you to our response letter to application 19/0494/OUT where we stated that 'At reserved matters we would expect to see a revised bat survey report which gives information of bat activity at the site, this should be used to inform an appropriate landscape ecological management plan that will aim at retention of habitat connectivity with the larger environs and an appropriate lighting scheme to demonstrate retention of dark flight lines.'

Whilst we have no objection to a detailed Landscape Ecological Management Plan (LEMP) being submitted prior to commencement of works as dictated by condition 6 of the outline permission, we consider further bat activity surveys are needed at this stage to inform the basic landscape design of the site. We note the observation made in section 5 (landscaping) of the Design and Access Statement dated August 2021 by Roger Parry & Partners. This section states 'We are not proposing a lot of landscaping, given the limited landscaping in the immediate area, and the site is integrated with the built environment of the area, which will look better if the development is seen in connection with the existing built development, rather than try and landscape it too much.'

We are concerned that the introduction of exterior lighting at this location could affect bat movements in and around the site and therefore further planting may be required to minimise the impact on bats. The comments are made taking into consideration the potential effect that artificial lighting would have on bat movements in general and the presence of a recently identified lesser horseshoe bat night roost within 100m of the proposal, which also has hibernation roost potential. The area around Buttington Cross roundabout is currently attracting interest for business development applications which could lead to a significant increase of artificial lighting. For this reason and as explained above, we consider it necessary to understand how bats use the site, not just for roosting, but for foraging, commuting and social interaction also, prior to finalising the landscape layout.

We also advise you request the submission of an indicative exterior lighting scheme, the details of which can be finalised within the LEMP.

#### Condition 7

We acknowledge that the development might take a phased approach to demolition and construction, therefore, whereas we are advising bat activity surveys are required to inform condition 6. Presence/likely absence surveys will still be required prior to demolition in compliance with condition 7 of the planning permission 19/0494/OUT.

## Protected Sites

From the information provided, we consider that the proposals may affect the Montgomery Canal Special Area of Conservation (SAC). The application is located within 60m of the SAC which is also a Site of Special Scientific Interest (SSSI). NRW have identified potential impact pathways to features of this site:

### o Pollution (airborne)

The above pathways may not result in a likely significant effect if the following measures are adhered to/ implemented:

o Developer adheres to pollution prevention guidelines which are available on the NetRegs website.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to us for consideration. Should you conclude that the proposed development is likely to have a significant effect on the SAC, we look forward to being consulted on your appropriate assessment. In the absence of this assessment, we cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

## Foul Drainage

There continues to be no information regarding the disposal of foul waters from the proposed development. We refer you to WG Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer.

We advise you the proposed development is in a publicly sewered area.

If the applicants intend to connect to a private system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2019), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### *Additional Consultation Response*

12<sup>th</sup> Jan 2022

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- o Star Ecology, Report DC/2254/19.2, 22 October 2021, Ecological Assessment: Land at Rhallt View and Tanyr Allt View, Buttington, Welshpool SY21 8SR

- o Roger Parry & Partners, drawing 70108/21/02, May 2021, Proposed Block Plan

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, condition 6 and condition 7 attached to planning permission 19/0494/OUT, regarding protected species remain applicable to this Reserved Matters application.

Condition 6: No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site, has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include, but not limited to, the following: Details of habitats, landscape, ecological features present or to be retained/created at the site; Details of the desired conditions of the features at the site; Details of scheduling and timing of activities; Details of short and long term management to deliver and maintain the desired

condition; Details of an exterior lighting scheme to demonstrate retention of dark wildlife corridors

Condition 7: No demolition shall take place until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

#### Protected Species

We have reviewed the Ecological Assessment, report DC/2254/19.2 dated 22 October 2021 by Star Ecology. Since our comments on the original outline application two further bat activity, dusk surveys, carried out in June and September 2021. At the time of the surveys limited bat activity was detected in and around the buildings.

Based on the information within the Ecological Assessment, we are satisfied that the proposed development layout and landscape as illustrated in drawing 70108/21/02 Proposed Block Plan dated May 2021, is not going to negatively affect bat movements in the area.

We continue to have concerns with regards to the introduction of exterior lighting at this location and how it would affect bat movements in and around the site. The area around Buttington Cross roundabout is currently attracting interest for business development applications which could lead to a significant increase of artificial lighting. For this reason, we would expect that the recommendations on artificial lighting made in section 7.1 of the Ecological Assessment are given due consideration and details of an appropriate wildlife friendly exterior lighting scheme in line with Bats and artificial lighting in the UK Guidance Note 08/18, are included in the LEMP.

#### Protected Sites

Please refer to our letter of 22/10/2021 for comments on potential impacts on the Montgomery Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

#### Foul Drainage

Please refer to our letter of 22/10/2021, our advice remains the same

*Additional Consultation Response*

24<sup>th</sup> Aug 2023

Thank you for consulting Natural Resources Wales (NRW) on your Habitats Regulations Assessment for the above development, which we received on 09/08/2023.

Our response should be taken as NRW's formal representation, as the appropriate nature conservation body, to your appropriate assessment (AA) (Habitats Regulations Assessment Record - 21/1749/RES - Land At Rhallt View Buttington Welshpool Powys SY21 8SR, dated 08/0823) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

In consideration of the mitigation measures detailed we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the Montgomery Canal SAC.

WG - Highways Directorate

8th Nov 2021

refer to your consultation of 6th October 2021 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The supplied proposed plan shows elongated splitter islands on the approach to the existing roundabout from both the A458 and A483 trunk road. The applicant is required to confirm whether such works are proposed as part of the design.

2) It is noted that 'No Entry' signs are proposed at the site access and exit locations to prevent trunk road traffic from performing right turn movements into the site from both the A458 and A483.

The applicant is required to confirm how such potential movements, in contravention of the proposed 'No Entry' signs will be prevented.

3) The visibility splay relating to the site exit on to the A483 is not in accordance with the requirements of CD 123 of the Design Manual for Roads and Bridges (DMRB).

The applicant shall provide updated visibility splay information. This should include vertical cross-sections in each direction at both proposed access points.

4) No information regarding traffic generation has been provided in respect of the proposed development. Existing and proposed AADT's are required for the site, with any percentage increase identified.

5) The applicant shall provide a full junction capacity assessment for all existing and permitted development within the vicinity of the roundabout to Welsh Government for

review.

*Additional Consultation Response*

9<sup>th</sup> May 2023

At its April meeting earlier today, the Technical Review Panel further considered this departure in conjunction with the additional information provided most recently yesterday from Michael Kitching at SK Transport Planning. This email is to confirm that the Panel now accept the departure.

Additional Consultation Response

23<sup>rd</sup> May 2023

I refer to your consultation of 09/05/2023 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

The minimum visibility distance available for vehicles emerging from the proposed exit shall be 162m to the right of the site exit at a height of 1.05m, measured to a point 0.26m above the nearer running edge of the trunk road carriageway.

This visibility distance shall be available at a point 2.4m from the nearer running edge of the trunk road, measured along the centreline of the access road.

The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.

1)

The proposed highway works on both the A458 and the A483 set be constructed in accordance with the approved drawing (Drwg no. 19061-C3001 Rev P10).

2)

The site access and exit shall be laid out and constructed strictly in accordance with the approved plan (Drwg no. 19061-C3001 Rev P10).

3)

No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed site access and exit shall be constructed such that they do not drain onto the trunk road.

4)

The new vehicular entrance and exit shall be substantially complete and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with

the development.

5)

The above conditions are included to maintain the safety and free flow of trunk road traffic.

The following point should be brought to the attention of the applicant:

The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road.

This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims.

Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

Canal & River Trust (Glandwr Cymru In  
Wales)

21st Oct 2021

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)) is that the Trust has no comment to make on the proposal.

Cadw - SAM

No comments received at the time of writing this report.

CPAT

6th Oct 2021

Thank you for the reserved matters details. These show that the former Powis Castle Estate Managers office/dwelling is still retained within the development area, so we have no objection to the proposed layout.

## **Representations**

Following the display of a site notice on 06/10/2021, no public representations have been received at the time of writing this report.

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/0494/OUT	Outline application (with all matters	Approve	6th Feb 2020



reserved) for erection of a restaurant (class A3 use), formation of vehicular access roadway, parking area and all associated works together with demolition of 1 dwelling and associated buildings

### Principal Planning Constraints

Canals and Waterways	Notified area EIA and Major Sc Notified area Minor and Househ
Combined Pipes Within a distance of 2km Mineral Safeguarding Cat 1 Trunk Road	A483(T)

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN7	Outdoor Advertisement Control		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP2	Employment Growth		Local Development Plan 2011-2026

SP4	Retail Growth	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
DM16	Protection of Existing Employment Sites	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026

R1	New Retail Development	Local Development Plan 2011-2026
R3	Development Within Town Centre Areas	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located to the north of Welshpool as defined by the Powys Local Development Plan (2018). The site lies adjacent to the development boundary for Welshpool and is bound to the north and east by agricultural land and to the south by the A458 (T) and Welshpool Livestock market and west by the A483 (T). To the south-east of the site lies a roundabout. The site currently comprises two residential dwellings and associated agricultural buildings. It is proposed to demolish one of these dwellings and the associated agricultural buildings. The remaining dwelling will be used for storage.

Reserved matters planning permission is sought in respect of outline planning permission 19/0494/OUT for the erection of a drive thru restaurant (class A3 use), formation of vehicular access roadway, parking area and all associated works together with demolition of 1 dwelling and associated buildings.

The reserved matters being considered by the application relate to:

- Access
- Appearance
- Layout
- Landscaping
- Scale

### Principle of Development

The principle of development at this site was established by Outline planning application 19/0494/OUT which was determined by planning committee whereby all matters were reserved for future consideration. The scheme was determined in accordance with the Powys Local Development Plan (2018) and Technical Advice Note 4: Retail and Commercial Development (2016) which remain the relevant and current policies on this matter.

### Access

Policies DM13 and T1 of the Powys Local Development Plan (2018) indicate that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

Powys's Highways Officers have been consulted on the proposed development, however, do not wish to provide comment as the access is onto the A458(T) and A483(T) trunk roads. These roads come under the jurisdiction of Welsh Government Highways.

Extensive consultation has been undertaken between the LPA, Welsh Government Highways and the appointed agent given the initial comments received from Welsh Government issued a holding direction. Through the course of amended details and comments, as detailed in the consultation section above, Welsh Government Trunk Road have now removed their holding direction subject to conditions in respect of access and visibility being attached to any granting of planning permission. Given the nature of the proposed development and the means of access proposed, officers consider the conditions proposed to be reasonable and will be attached to any granting of planning permission.

In light of the above it is considered that the proposed development complies with relevant planning policy.

### Appearance, Layout and Scale

The Powys Local Development Plan's (2018) policy DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals should be of a

good design and have consideration to the surrounding area. PPW refers to good design as having a relationship between all elements of the natural and built environment.

Policy DM13 specifically states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. The development must also contribute towards the preservation of local distinctiveness and sense of place.

The proposal relates to a Costa drive-thru with the building being of a typical single storey design seen across the country for this brand.

The proposed building measures approximately 18 metres in length and 13.7 metres in width with a gross internal floor area of 1800sq ft. The building will be mono-pitched with a ridge height of approximately 5.3 metres. An attached bin store will measure approximately 7.5 metres in length and 4.8 metres in width.

It is noted that the Costa branding will be erected on top of the building extending to a height of approximately 7.5 metres. The advertisement proposed will require advertisement consent and therefore further consideration of the adverts/signage proposed will be dealt with through this process.

The layout of the site has been designed to provide a functional purpose in that the business will facilitate a drive-thru function. The proposed building has been suitably orientated and positioned on site to allow vehicles to park and queue within the confines of the site.

The building is considered to be of appropriate design and scale for its intended commercial purpose.

In light of the above it is considered that the proposed development complies with relevant planning policy.

### Landscaping

Limited information has been submitted in respect of the landscaping measures proposed as part of the scheme. However, given the scale and location of the proposed scheme, adjacent to the settlement development boundary of Welshpool and adjacent to existing infrastructure, it is not considered the scheme as proposed will detrimentally impact the landscape and will be seen as a continuation of the existing built environment.

The site is bordered by existing established hedgerows along the trunk roads which provides a degree of natural screening to the development. Given the scale of the proposed development it is not considered that a high degree of landscaping would be required to assimilate the development into the surrounding area. Officers do note the proposed scheme would benefit from landscaping measures and given the lack of detail

provided in respect of hedgerow replacement/ translocation and additional tree planting, a suitably worded condition will be attached to any granting of planning permission.

In light of the above it is considered that the proposed development complies with relevant planning policy.

#### Impact upon Neighbouring Amenity

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the Powys Residential Design SPG & LDP: DM13 (Part 11).

The proposed development is not considered to offer any impact upon loss of daylight or considered to offer any adverse impact to any neighbouring properties in terms of loss of privacy.

Environmental Health have been consulted on the proposed development and no comments have received to date. It is however considered that the use of the site would have been considered through the outline application and due to the nature of the proposed development and its intended use, it is not considered that the development would adversely harm the amenity of neighbouring properties.

In light of the above it is considered that the proposed development fundamentally complies with relevant planning policy.

#### Biodiversity

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

Both Natural Resources Wales and Powys Ecology were consulted at outline stage with conditions attached to the permission in respect of:

- Landscape Ecological Management Plan (includes external lighting)
- Pre-Construction Bat Survey
- Hard & Soft Landscaping Measures

The conditions attached to the outline planning permission are still valid and will require the relevant information to be submitted for approval through the discharge of condition process.

The Powys Ecologist has been consulted on the Reserved Matters application and has reviewed the submitted report:

- Jones, R.M (22 October 2021) Ecological Assessment: Land at Rhallt View and

The survey is considered to have been undertaken in accordance with current national guidelines. The supplementary bat activity survey confirmed no bats to be roosting in the farmhouse (building 1), which is to be retained within the development. The other buildings on site were previously assessed as having negligible potential for roosting bats. The surveys in 2021 confirmed little commuting and foraging activity around the farmhouse at the site. NRW are satisfied, based on the information submitted, the proposed development layout and landscape is not going to negatively affect bat movements in the area.

NRW have raised concern in respect of external lighting, however it is noted that condition 6 of outline approval secures external lighting with the condition still valid and will therefore require discharging prior to the commencement of development.

The Ecologist notes that the comments previously provided on the outline planning consent identified the development site being located 120m from the Montgomery Canal SAC/SSSI. However the site is actually located approximately 60m from the SAC.

Therefore, to demonstrate that the proposed development would not result in a Likely Significant Effect on the Montgomery Canal SAC and/or its associated features during demolition or construction activities further information was required prior to determination of the application.

The agent submitted a Pollution Prevention Plan to enable the Local Planning Authority to assess the potential impacts of the proposed development on the Montgomery Canal SAC/SSSI, part of the national site network, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

An Appropriate Assessment of the application has been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions the proposed development would not result in an adverse effect to the integrity of the Montgomery Canal SAC in light of its conservation objectives.

Natural Resources Wales have therefore been consulted on the HRA/AA and agree that the development is unlikely to have an adverse effect upon the integrity of the Montgomery Canal SAC. A condition as specified with the Appropriate Assessment will be attached to any granting of planning permission.

In light of the above it is considered that the proposed development complies with relevant planning policy.

## **RECOMMENDATION**

## Conditional Consent

### Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out in accordance with the following approved plans and documents:
  - 70108/21/01 titled Location Plan
  - 70108/21/02 titled Proposed Block Plan
  - 70108/21/04 titled Proposed Floor Plan and Elevations
  - 19061-C3001 Rev P10 titled General Arrangement
  - 19061-C3002 Rev P03 titled Visibility Splay
  - 19061-C3003 Rev P04 titled Visibility Splay Long Sections
  - Ecological Assessment ref DC/2254/19.2 prepared by Start Ecology dated 22/10/2021
  - Pollution Prevention Plan, dated 31/07/2023, by Arbor Vitae
  - SK Transport and Planning Traffic, Transport, Highways – Welsh Government Departure from Standards Form 09/05/2023
  - Planning Statement August 2021
3. The minimum visibility distance available for vehicles emerging from the proposed exit shall be 162m to the right of the site exit at a height of 1.05m, measured to a point 0.26m above the nearer running edge of the trunk road carriageway.

This visibility distance shall be available at a point 2.4m from the nearer running edge of the trunk road, measured along the centreline of the access road.

The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
4. The proposed highway works on both the A458 and the A483 set be constructed in accordance with the approved drawing (Drwg no. 19061-C3001 Rev P10).
5. The site access and exit shall be laid out and constructed strictly in accordance with the approved plan (Drwg no. 19061-C3001 Rev P10).
6. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed site access and exit shall be constructed such that they do not drain onto the trunk road.
7. The new vehicular entrance and exit shall be substantially complete and available



for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with the development.

8. The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, dated 31/07/2023, by Arbor Vitae. The measures identified shall be adhered to and implemented in full.
9. Prior to the commencement of development, a detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. The approved scheme shall be implemented in the first planting and seeding season following the first beneficial use of the buildings or the completion of the development (whichever is the sooner), and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year defects period.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To maintain the safety and free flow of trunk road traffic.
4. To maintain the safety and free flow of trunk road traffic.
5. To maintain the safety and free flow of trunk road traffic.
6. To maintain the safety and free flow of trunk road traffic.
7. To maintain the safety and free flow of trunk road traffic.
8. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
9. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

## **Informative Notes**

### Trunk Road

The applicant should be advised that they will be required to enter into an Agreement with

the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the Applicant to undertake agreed improvement works on the trunk road.

This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims.

Without such an agreement in place, any consent that may be granted by the Planning Authority cannot be implemented.

### Ecology

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk).

### **Birds – Wildlife and Countryside Act 1981 (as amended)**

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

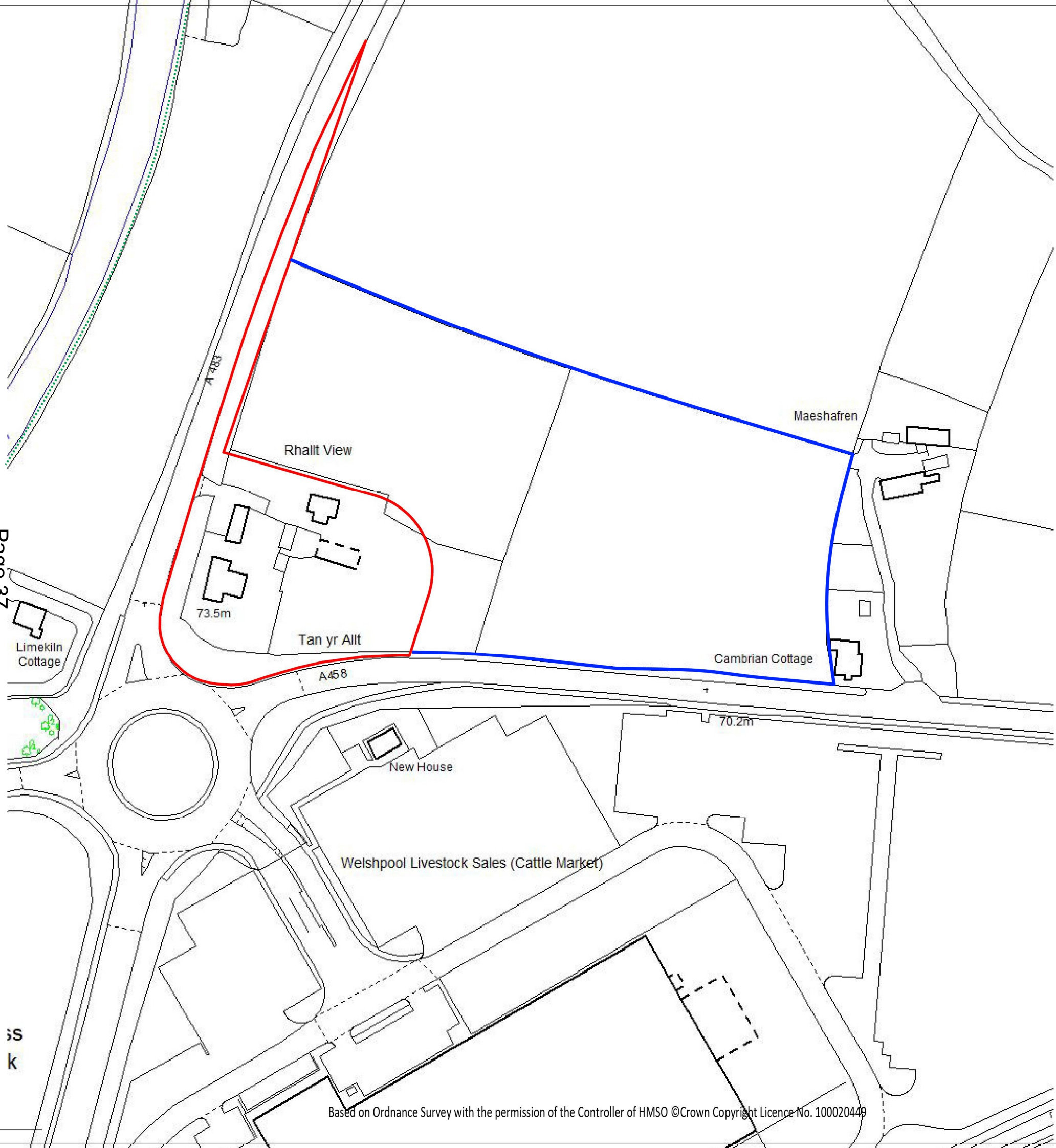
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

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Case Officer: Richard Edwards, Senior Planning Officer  
Tel: 01597 827218 E-mail: richard.edwards2@powys.gov.uk

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Rev	Description	Date	Dr by	App by
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Residential - Agricultural - Commercial

Job	Costa Drive Thru		
Title	Location Plan		
Location	Buttington Welshpool SY21 8SR		
Client	Delves & Co		
Scales	1:1250 @ A3		
Drawing No.	70108/21/01	Rev	
Drawn by	SC	Date	May 2021

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# 4.3

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 23/0655/FUL

**Grid Ref:** E: 317064  
N: 314973

**Community Council:** Meifod Community

**Valid Date:** 12.05.2023

**Applicant:** Mr JR Wilkinson

**Location:** Land at Allt Y Maen, Meifod, Powys, SY22 6BP.

**Proposal:** Erection of replacement livestock building and all associated works

**Application Type:** Full Application

### The reason for Committee determination

The applicant is a County Councillor for Powys County Council.

### Consultee Responses

#### Consultee

#### Received

**PCC-Ecologist**

27<sup>th</sup> July 2023

RE 23/0655/FUL | Erection of replacement livestock building and all associated works | Land at Allt Y Maen Meifod Powys SY22 6BP

Please find attached a draft HRA for the above application. NRW will need to be consulted to confirm that they are in agreement with the conclusions of the appropriate assessment.

Should you be minded to approved the application the following conditions must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

1. There shall be no erection of lighting (temporary or permanent) at the construction site, at the construction site access or along the construction site access route during the entirety of the construction phase.
2. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to

avoid impacts on nocturnal wildlife, specifically lesser horseshoe bats, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

*Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, and DM7 in relation to Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.*

## **PCC-(N) Highways**

**29th Jun 2023**

Wish the following recommendations/Observations be applied

### Recommendations/Observations

Thank you for consulting the Highway Authority on this planning application at land at Allt Y Maen, Meifod, Powys, SY22 6BP. The proposal seeks the erection of a replacement livestock building and all associated works.

The site is adjacent to the A495 County Highway leading from the existing lay-by further into the fields via an existing agricultural access. The site is sloping in nature and set below the level of the adjacent county highway.

The proposal seeks the erection of a replacement livestock building and all associated works. The existing agricultural building is in a dilapidated state and as such it will be replaced by the proposed new building. The Highway Authority notes that this is a resubmission of a previously withdrawn planning application 22/0633/FUL. During the previous planning application, the Highway Authority advised that the applicant should consider slight improvements to the existing access point leading from the lay-by. The applicant was advised that the existing field gate should be sufficiently set back at least 15m from the edge of the adjacent carriageway in order to prevent agricultural vehicles overhanging the highway when entering the site.

The current application now proposes that the existing entrance gate to the field is setback to 15m as previously advised which will prevent agricultural machinery overhanging the county highway when entering the site, and as such we welcome this proposal which will further increase highway safety at this location. In respect of visibility splays, we can confirm that visibility splays in both directions are in excess of requirements as specified in Manual for Streets 1 & 2, and TAN18 (measuring in excess of 215m).



Therefore, the Highway Authority can confirm that there are no objections to the proposal and advise that the following conditions are attached to any consent given.

1. Prior to the first beneficial use of the building hereby approved the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
2. Prior to the first beneficial use of the building hereby approved the existing entrance gate installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
3. The width of the access carriageway, shall be not less than 5.5m for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

**Hafren Dyfrdwy**

**12th Jun 2023**

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

**Environmental Protection**

**5th Jun 2023**

I have no objection to the application however I note that the application states it could be used for calving, where is the manure store for this proposed use?

**Natural Resources Wales (Mid Wales)  
DPAS**

**1st Jun 2023**

We have reviewed the submission and there is insufficient information for us to advise you on the proposal. Guidance on the information required to support an agricultural development can be found on our website at:

Natural Resources Wales / What to provide with your planning application for an agricultural development.

As a minimum we would require the following information:

- o description of the development and the reason(s) for your development proposal e.g., to accommodate an increase in livestock numbers or the capacity for an increase in livestock numbers through provision of additional infrastructure, to support animal welfare.
- o the current number and type of stock reared on the farm holding and any changes associated with the proposed development
- o provide details on how organic manures, slurry and contaminated waters will be stored
- o provide details of how the resulting organic manures, slurry and/or contaminated waters will be moved from the place of production to storage if applicable
- o identify any clean and foul drains, new and existing, location, route, direction of flow and connections
- o identify any key components and features to manage water, including sustainable drainage, containers and tanks, constructed soakaways, French drains, swales, reed beds, settlement ponds, land drains, ditches and watercourses
- o identify the proposed drainage arrangements for managing the separation of clean and contaminated water.

**Natural Resources Wales DPAS**

**2<sup>nd</sup> response 29<sup>th</sup> Jun 2023**

We have reviewed the amended information and the details we requested in our reply of 28 June 2023 have not been included. Without this information we cannot advise you fully on the application. However, if the building is not to accommodate an increase or change in stock type and the manure/slurry/contaminated water produced is managed in line with the Control of Agricultural Pollutions (Wales) Regulations 2021 we would have no objection in principle to the development.

The site is within 140m of the Tanant and Vyrnwy Bat Site of Special Scientific Interest

(SSSI). As no ecological information has been submitted, we advise you consult your in house Ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. Please consult us again if any survey undertaken finds that bats are present at the site, and you require further advice from us. As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the Test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SSSI/ Special Area of Conservation/ Special Protect Area/ Ramsar site, either alone or in combination with other plans or projects, an appropriate assessment must be made of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult Natural Resources Wales and have regard to any representations we make within such reasonable time as you specify.

**Natural Resources Wales DPAS**

**3<sup>rd</sup> response 30<sup>th</sup> Jun 2023**

We have reviewed the email sent to your Authority on 28/6/23 which confirms that there will be no increase in livestock numbers. Manure will be stored within the building and there will be no slurry on site because livestock will be on straw bedding. We refer you to the comments made in our response email of 29/06/2023 (copied below for information) as we have no further comments to add.

Advisory to the Applicant

We note that manure will be stored within the building. As of 1st January 2023, any organic manure (other than slurry) must be stored in a vessel; in a covered building; on an impermeable surface; or in a free standing temporary field heap. effluent from the manure pile must remain contained within the building and drain into a dirty water tank. From this date anyone who intends to spread manure on the holding must produce and maintain a risk map which highlights the areas on which spreading may cause pollution, including buffer zones and surface waters. Sites suitable for field heaps should be marked if manure is to be stored in field heaps.

**CPAT**

**1st Jun 2023**

We have previously received applications for works at the proposed site and have placed archaeological recommendations on those works (23/0376/FUL and 22/0633/FUL). The

latest application, 23/0376/FUL had a watching brief recommendation placed upon it due to the access road alterations. The current application does not include plans showing access but does 'include all associated works', and the planning statement suggests that existing access is to be used. Can the agent provide details on the proposed existing access routes which are to be used please, which will invariably aid our recommendation.

**CPAT**

**2<sup>nd</sup> response 21<sup>st</sup> Jun 2023**

Regarding the application referenced above.

Information retained within the Regional Historic Environment Record indicated that the site would have sub-surface archaeological features and we recommended evaluation trenching on an earlier application (22/0633/FUL). The evaluation trenching was completed and, as expected archaeological features were revealed. The groundworks, soil stripping and creation of an access route for the new building will require an archaeologist present due to archaeological features being close to the surface.

Therefore, we would recommend that an archaeologist is contracted to complete an archaeological watching brief throughout the duration of the works mentioned above so that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with the guidance set out in TAN 24 (May 2017) and Planning Policy Wales (Feb 2021).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists (CIFA) relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI) and should preferably be part of a Registered Archaeological Organisation with the CIFA.

A suitable condition to facilitate the contracted watching brief is provided below along with a guidance note for the applicant on how to commission archaeological works.

The condition in this case would be:

Archaeological Watching Brief

Suggested planning condition to facilitate an archaeological watching brief:

The developer shall ensure that a suitably qualified archaeological contractor is present during all the ground reduction for the application area and access routes so that an

archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (neil.bayliss@cpat.org.uk)

On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

I have attached a brief for the watching brief and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a WSI (written scheme of investigation) document to neil.bayliss@cpat.org.uk for approval before they can commence works on site.

The attached documents should be forwarded to the applicant/agent so that they are fully aware of the requirements.

Please contact me if you wish to discuss this advice or require more information.

Cadw - SAM

No comments received at the time of writing this report

Community Council

17<sup>th</sup> July 2023

23/0655/FUL – not to support the application owing

i) to a lack of detail with regards to the finished floor level and overall height of the building relative to the road level,

ii) presumed mistakes in the block plan with regards to identification of hedgerow height at 0.6m on the opposite side of the road to the development. (NB Gary had not studied the plans in detail and felt unable to comment)

PCC-Building Control

No comments received at the time of writing this report

Ward Councillor

No comments received at the time of writing this report

## **Representations**

Following the display of a site notice erected on June 12<sup>th</sup> 2023, 3 representations have been received from 1 member of the public. Public comments can be summarised as follows:-

- Noise pollution and impact on neighbouring amenity.
- Reduction of owners' peaceful enjoyment of nearby properties
- Adverse impact on visual amenity
- Environmental pollution
- Adverse effect on landscape amenity
- Highway safety concerns and site access concerns
- Question NRW response on the application
- What arrangements are there for disposal of waste products
- Effect on nearby SSSI and SAC and protected species of bats.
- Large scale in terms of height unnecessary for intended purpose
- Concerns over future intended use of land extending to agricultural workers accommodation
- Proximity to neighbouring properties
- Increase in traffic

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
22/0633/FUL	Erection of replacement livestock building and all associated works	Application Withdrawn	12th Oct 2022

### **Principal Planning Constraints**

Ancient Semi Natural Woodland  
Special Area of Conservation  
Site of Special Scientific Interest  
Mineral Safeguarding Sandstone  
Mineral Safeguarding Sand Gravel  
Mineral Safeguarding Slate  
Category C2 Flood zone

Tanant and Vyrnwy Bat Site  
Allt y Main Mine

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

Site Location and description



The application site is located within Meifod community council area. The site does not form part of any settlement boundary and is therefore considered to be development within the open countryside as defined by the Powys Local Development Plan (2018). The site forms part of a parcel of agricultural land separate from the main farm complex.

The proposal is for a replacement agricultural building for storage of machinery and fodder and occasional housing of livestock during calving season on land at Allt y Main. The site is currently grazed agricultural land.

The application site sits to the south of the A495 and will utilise an existing access from a layby.

The proposed building is a single storey structure of a rectangular plan layout measuring approximately 15 metres in width by 30.5 metres in length reaching a height of 8 metres.

### Principle of Development

The policy framework for the consideration of agricultural buildings is set out in TAN6 – Planning for Sustainable Rural Communities.

Consent is sought for the erection of a replacement agricultural building in connection with an existing holding.

The proposal as designed is typical of other examples of agricultural buildings seen within the wider Powys landscape and indeed other examples can be seen along this stretch of the A495.

The proposed building is therefore considered to be of an acceptable design, scale, height, and massing with materials that are appropriate for an agricultural building at this location.

### Landscape and Visual Impact

With regard to the potential impact upon the surrounding Landscape, regard must be paid to LDP Policy DM4 (Landscape) which states that proposals for new development must not, individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

The site is located within the River Severn Floodplain Sensory Aspect Area of LANDMAP (The visual and sensory) evaluates the area as *“A significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom”*

It is acknowledged that the building and site are partially visible from the public highway given the close proximity and height, however the topography of the site means that the proposed location of the building slopes away from the highway lessening the overall height of the building in relation to the highway and better integrating the building into the surrounding landscape.

The application relates to the replacement of an agricultural building and although the existing has fallen into disrepair and is much smaller in scale than the proposal it cannot be said that the character and appearance of the area would be further compromised by the development in such a way as to warrant refusal.

The site does benefit from screening in the form of a hedgerow to the North, however it was requested that further screening options were submitted to better assimilate the building into its surroundings. This has been duly submitted by way of a landscaping plan and includes the planting of native hedgerow to the Northeast of the site, this will better assimilate the development into its setting and the wider landscape and will also act as further screening. This plan will be secured by way of condition to any grant of consent.

Subject to outlined conditions, it is therefore considered that the development is in-keeping with the surrounding area and is not considered to have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

In light of the above, and subject to the inclusion of appropriately worded conditions in relation to additional soft landscaping and retaining ground levels as existing, it is considered that the proposal complies with the requirements of Policies, DM4 and DM13 of the Powys LDP.

### Neighbouring Amenity

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the LDP Residential Design SPG & LDP: DM13 (Part 11).

The nearest neighbouring dwelling is within 100 metres of the application site. The proposed development seeks to erect a replacement agricultural building. Environmental Protection have been consulted on the application and have raised no objection or concerns regarding noise, dust, air or odour pollution, although they did raise a question with regards to how manure would be stored. An informative will be attached to any decision notice advising the applicant that any manure stored on site must be contained within a vessel as requested by NRW. It is understood that the applicant intends to then remove from site when required, to the main farm stead. The applicant has also submitted plans detailing a dirty water tank for the collection of any draining of effluent from the manure.

Public representations received have also raised concerns regarding the proposal

spoiling the view from their own property and that of the surrounding area. The proposal's effect on the surrounding landscape has been outlined above and is in line with relevant planning policy. Development must respect the existence and amenities of neighbouring uses, these amenities include privacy (affected by overlooking) and light (natural and man-made) but do not extend to the right to a view. Given that the proposed is located 100m from the nearest property and set much lower down, no detrimental effect is anticipated in terms of loss of privacy or loss of light.

In light of the above, it is considered that the proposal complies with relevant planning policies on amenity within DM13.

### Highways

Policies DM13 and T1 of the Powys Local Development Plan (2018) indicates that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon network and mitigate adverse impacts.

The application seeks to utilise an existing gated entrance to the site but will make alterations to improve highway safety. The local Highway Authority has been consulted on the development and has no objection save the inclusion of a number of conditions.

In light of the above and subject to the inclusion of these conditions, it is considered that the proposed development complies with the relevant planning policies.

### Biodiversity

In terms of biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 11).

#### *- Protected Sites*

The site is within 150m of Tanant Vyrnwy Bat Site Special Area of Conservation and Allt y Main Mine Site of Specific Scientific Interest. There are also examples of Ancient Semi Natural Woodland within close proximity, the nearest being 50m away. The ecologist has been consulted and does not feel it necessary to conduct a preliminary bat roost assessment on the current dilapidated structure on site. However, a Habitats Regulation Assessment was conducted and mitigation measures were found to be necessary, therefore an appropriate assessment has also been carried and sent to NRW for approval. No response has been received to date from NRW but an update will be provided to Members on the assessment.

The ecologist has also proposed conditions to limit light spill to wildlife sensitive areas and subject to any condition it is considered that the proposal could mitigate against any potential impacts.

Subject to the inclusion of the above and the subsequent consultation and approval from NRW, the proposal complies with relevant planning policy.

- *Enhancement*

It is noted that a landscaping scheme detailed on plan RJC – M2770-09 has been submitted in terms of biodiversity enhancements as part of the application. The measures are considered acceptable and in-line with the requirements of Planning Policy Wales (Ed.11) and Policy DM2 of the Powys LDP. A suitably worded condition will be attached to any grant of consent to require the biodiversity/landscaping enhancement plan is adhered to.

In light of the above, and subject to the inclusion of an appropriately worded conditions, it is considered the proposed development complies with relevant planning policy in this regard and is acceptable.

Historic Environment

Information retained within the Regional Historic Environment Record indicated that the site would have sub-surface archaeological features and Clwyd Powys Archaeological Trust had requested evaluation trenching on an earlier application (22/0633/FUL). The evaluation trenching was completed and, as archaeological features were revealed. CPAT in their consultation response to this application recommend that the groundworks, soil stripping and creation of an access route for the new building will require an archaeologist present due to archaeological features being close to the surface.

Therefore, subject to the inclusion of the recommended condition, the proposal complies with relevant planning policy.

Flood Zone

The site is partially located within the Zone C2 of the Development Advice Map (DAM) contained in TAN15 but sits outside of any flood zone as identified on the most up to date data through the Flood Map for Planning.

NRW in previous guidance has confirmed that the Flood Map for Planning represents the best available information held on flood risk and therefore given that the proposal as noted from the Flood Map for Planning data is located entirely outside of any floodzone no further information is required in this instance.

Mineral Safeguarding

It is noted that the application site is located within an area safeguarded for future

mineral extraction.

The application seeks to replace an existing agricultural building which currently lies adjacent to the proposed building. Given the proximity to the existing building and that the proposal is in connection with the existing use of the land it is considered that a reason for refusal would not be justified in this instance and the proposal would not be to the detriment of any future extraction of the resource.

## **RECOMMENDATION – Conditional Consent**

In light of the above assessment, it is considered, whilst the concerns of third-party representations have been noted and duly considered, that the proposed development complies with relevant planning policy and the recommendation is therefore one of conditional consent.

### **Conditions**

1. The development to which this relates shall be begun no later than the expiration of five years from the date of this permission
2. The development shall be carried out strictly in accordance with the following plans and documents: RJC-MZ770-01 Rev B RJC-MZ770-02 Rev B, RJC-MZ770-03 Rev B, RJC-MZ770-05 Rev B, RJC-MZ770-06 Rev D, RJC-MZ770-07 RJC-MZ770-09 (Landscaping Plan) and RJC-MZ770-10 (Section Plan).
3. There shall be no erection of lighting (temporary or permanent) at the construction site, at the construction site access or along the construction site access route during the entirety of the construction phase.
4. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, specifically lesser horseshoe bats, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.
- 5 Prior to the first beneficial use of the building hereby approved the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

6. Prior to the first beneficial use of the building hereby approved the existing entrance gate installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

7. The width of the access carriageway, shall be not less than 5.5m for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

8. The developer shall ensure that a suitably qualified archaeological contractor is present during all the ground reduction for the application area and access routes so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (neil.bayliss@cpat.org.uk)

On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

9. All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing RJC-M2770-09 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure adherence to the plans as approved in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, and DM7 in relation to Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
4. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, and DM7 in relation to Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
5. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, 2021).
6. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, 2021).
7. In the interests of highway safety in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 and Planning Policy Wales (Edition 11, 2021).
8. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
9. To comply with Policy DM2 and DM4 of the Powys Local Development Plan (2018) in relation to the natural Environment and Landscape and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informative**

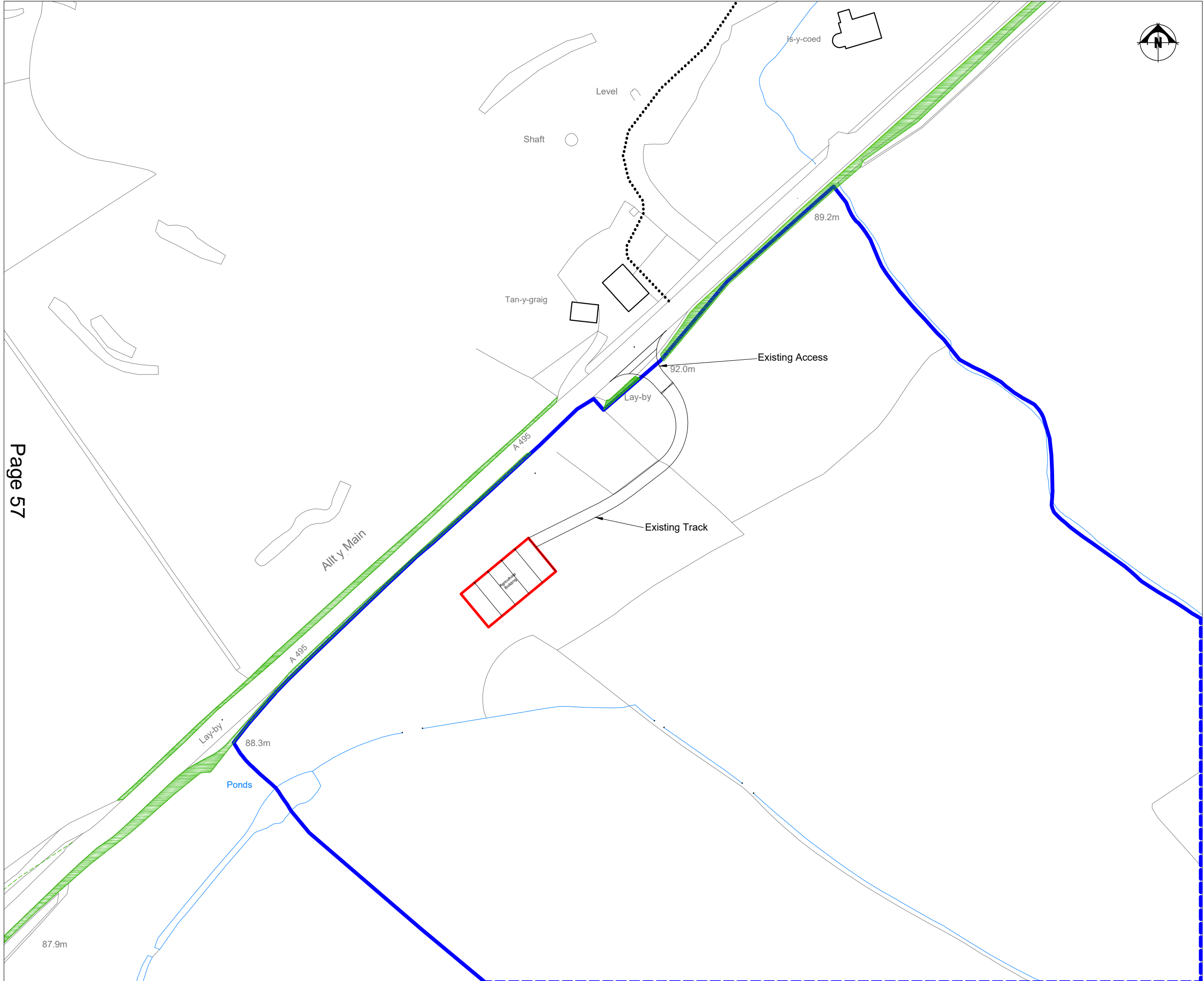
### **1. Natural Resources Wales Guidance**

As of 1st January 2023, any organic manure (other than slurry) must be stored in a vessel; in a covered building; on an impermeable surface; or in a free-standing temporary field heap. Effluent from the manure pile must remain contained within the building and drain into a dirty water tank. From this date anyone who intends to spread manure on the holding must produce and maintain a risk map which highlights the areas on which spreading may cause pollution, including buffer zones and surface waters. Sites suitable for field heaps should be marked if manure is to be stored in field heaps.

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Case Officer: Hannah Miller, Planner  
Tel: E-mail: [hannah.miller@powys.gov.uk](mailto:hannah.miller@powys.gov.uk)





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- ..... Footpath
- Red Boundary
- Blue Boundary

Rev	Description	Date	Dr by	App by
Original	by			



Residential - Agricultural - Commercial	
Job	Proposed agricultural building
Title	Location Plan
Location	Land at Allt y Maen Meifod Powys SY22 6BP
Client	JW Wilkinson
Scales	1:1250 @ A3
Drawing No.	RJC-MZ770-01 Rev B
Drawn by	AZ
Date	06/04/2023

HOGSTOW HALL, MINSTERLEY  
SHREWSBURY, SHROPSHIRE. SY5 0HZ  
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email: mail@rogerparry.net  
Web address: www.rogerparry.net

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Abbey Cwm-Hir Community	Application Withdrawn	06/06/2023	23/0850/REM	Removal or Variation of Condition	06/09/2023	Section 73A to vary condition no 2 of planning application P/2013/0298 (vary approved plans / part retrospective )	Lower Cwmdu Abbey Cwm-Hir Llandrindod Wells LD1 6PP
Page 59	Application Withdrawn	06/06/2023	23/0944/REM	Removal or Variation of Condition	06/09/2023	Section 19A to vary condition no 2 of Listed building consent P/2013/0299 (retention of works carried out and to vary approved plans)	Lower Cwmdu Abbey Cwm-hir Llandrindod Wells Powys LD1 6PP
	Unknown	25/12/2525	XXXX/2025/2525	Full application	25/07/2525	Proposal of development	La_Name La_Street La_Locality La_Town La_County La_Postcode
Banwy Community	Approve	07/06/2023	23/0912/REM	Removal or Variation of Condition	31/08/2023	Section 73 application to vary conditions 2 and 3 of outline planning consent 20/0067/OUT to allow extension of time to submit reserved matters	Development Of Two Dwellings At Land Adjoining Lletypiod Foel Welshpool Powys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Bausley With Criggion Community	Closed	19/07/2023	23/0124/PRE	Pre-Planning Application Enquiry	14/08/2023	Pre-planning application enquiry in relation to proposed residential development	Land To The North Of The B4393 And West Of Oakland Crew Green Shrewsbury Powys SY5 9FF
Berriew Community	Approve	14/03/2023	23/0422/FUL	Full Application	29/08/2023	Proposed Slurry Tower and associated works (resubmission of 22/1972/FUL)	The Ffridd Berriew Welshpool SY21 8AT
Page 61	Closed	21/08/2023	23/1299/PRL	Preliminary enquiry	22/08/2023	Installation of 7 Wooden telecommunication poles - WF5CVN7K refers	Land Around Belan Newydd Bettws Tregynon Powys SY21 8QN
	NMA Approved	25/08/2023	23/1225/NMA	Non-Material Amendment	08/09/2023	Application for non-material amendments to planning permission 21/1472/FUL in respect of changes to approved plans.	Luggy Brook Cottage Red Lane Berriew Welshpool SY21 8AS
Bettws Community	Closed	01/08/2023	23/1206/PRL	Preliminary enquiry	14/08/2023	Installation of 3 telecommunication poles - WH4H91P refers	Land At Bettws Cedewain Newtown Powys SY16 3DR

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Bettws Community	Closed	07/08/2023	23/1230/PRL	Preliminary enquiry	14/08/2023	Installation of two wooden telecommunication poles - WFHPT7X refers	Land At Cwm Gronen Betws Cedewain Newtown Powys SY16 3LJ
	Closed	22/08/2023	23/1341/PRL	Preliminary enquiry	31/08/2023	Installation of Wooden Telecommunication Poles - WF5FT68L refers	Land Around Belan - Newydd Bettws Welshpool Powys SY21 8QN
Bronllys Community	Approve	29/06/2023	23/1064/HDG	Hedgerow Removal Notice	07/08/2023	Hedgerow removal notification for removal of 3 x 4m stretch of hedgerow at different locations	Land At Llyswen Brecon LD3 0YE & LD3 0LN 1. 312412 / 239240 2. 312756 / 238469 3. 314691 / 237142
	Consent	19/05/2023	23/0662/FUL	Full Application	07/09/2023	Erection of an agricultural machinery storage shed and associated landscaping	Ty Coetir Pont-Y-Wal Lane Bronllys Brecon LD3 0LU
	Consent	31/05/2023	23/0727/HH	Householder	01/09/2023	Installation of an air source heat pump	8 Drover's Meadow Bronllys Brecon LD3 0DS
Builth Wells Community	Prel Closed	28/07/2023	23/1192/PRL	Preliminary enquiry	04/08/2023	Installation of wooden telecommunications pole -WF3T1R3F refers	Land Opposite St Marys Church Hall Church Street Builth Wells Powys LD2 3BS

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Cadfarch Community	Approve	14/07/2023	23/1159/ELE	Electricity Overhead Line	24/08/2023	Reburish an existing overhead line from single phase to three phase under Section 37 - Electricity Act 1989 - overhead lines exemption (England and Wales) Regulations 2009	Lan At Bryn Tudor Penegoes Machynlleth Powys SY20 8NG
Caersws Community	Application Withdrawn	15/06/2023	23/0671/REM	Removal or Variation of Condition	11/08/2023	Application under Section 73 to vary condition 2 attached to permission P/2009/0838, to allow amendments to approved plans	Capel Bach Llanwnog Caersws SY17 5NE
	Approve	27/01/2023	22/2177/FUL	Full Application	16/08/2023	Siting of a holiday unit (hobbit home), installation of sewage treatment plant, improvements to access and all associated works	Land At Pen Y Coed Llanwnog Caersws SY17 5PA

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Caersws Community	Approve	08/02/2023	23/0117/FUL	Full Application	04/09/2023	Proposed holiday-let development, to include 6 holiday units, formation of a new access and associated works	Land At Tregastell Aberhafesp Newtown Powys SY16 3HR
	Approve	24/05/2023	23/0647/FUL	Full Application	24/08/2023	Change of use from commercial property to a residential dwelling (C3 use)	Old Church School And School House Llanwnog Caersws Powys SY17 5JG
	Approve	03/08/2023	23/1128/NMA	Non-Material Amendment	24/08/2023	Non material amendment to P/2017/0567 in respect of varying condition 4 to reduce the number of local needs dwellings from 2 to 1	Land Adjoining Maes Yr Eglwys Llanwnog Caersws SY17 5LA
	Closed	31/07/2023	23/1199/PRL	Preliminary enquiry	03/08/2023	Relocation of Post Box WO No 3949136	Land At Corner Of Maes-y-genlli And Clos Hen Dy Clatter Caersws Powys SY17 5NS

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Caersws Community	Refused	04/08/2023	23/1218/DIS	Discharge of Condition	13/09/2023	Discharge of conditions 10, 14 and 15 of planning approval P/2017/0368 in relation to: Drainage details, Tree and Hedgerow protection and replacement plan	Church House Farm Llanwnog Caersws SY17 5JG
Carreghofa Community	Approve	29/10/2021	21/1946/DIS	Discharge of Condition	18/08/2023	Discharge of condition 5 of listed building consent P/2016/0656 (window and door details)	Ty Gwyn Carreghofa Lane Llanymynech Powys SY22 6LB
	Consent	06/07/2022	22/1117/HH	Householder	04/08/2023	Loft conversion for two conservation dormers	Knutsford House The Street Llandysilio Llanymynech SY22 6EN
	Refused	22/03/2023	23/0553/DIS	Discharge of Condition	24/08/2023	Discharge of conditions 5, 6 and 7 of outline planning permission P/2016/0326 (Investigation and Risk Assessment and Remediation)	Land At Carreghofa Lane Carreghofa Llanymynech Powys SY22 6LJ
	Refused	27/06/2023	23/0807/HH	Householder	25/08/2023	Proposed single storey side extension and two storey rear extension	The Hafod Chapel Lane Llanymynech SY22 6EW

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Castle Caereinion Community	Approve	29/03/2023	23/0051/PRE	Pre-Planning Application Enquiry	15/08/2023	Pre-planning application enquiry for the full conversion of building to holiday let and associated works	Tynllan Castell Caereinion Welshpool Powys SY21 9AL
	Approve	18/05/2023	23/0686/DIS	Discharge of Condition	04/09/2023	Discharge of conditions 3, 4, 5, 6, 8, 10 and 11 of 21/0435/RES (external materials, boundary treatment and engineering drawings)	Land At Tynllan Farm Castle Caereinion Welshpool Powys
	Closed	07/07/2023	23/0110/PRE	Pre-Planning Application Enquiry	17/08/2023	Pre-planning application enquiry in relation to construction of norwegian log home	Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL
Churchstoke Community	Application Withdrawn	10/07/2023	23/0847/OUT	Outline planning	24/08/2023	Outline Planning Application (all matters reserved) for the erection of up to 4 no. dwellinghouses, with provision of garages and associated works	Land South Of Maes Curlew White Grit Minsterley SY5 0JL
	Approve	25/08/2022	22/1443/FUL	Full Application	22/08/2023	Erection of a storage building (Retrospective)	Crosslikey Supermarket, Offices Churchstoke Montgomery SY15 6AR

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Churchstoke Community	Approve	04/07/2023	23/1011/FUL	Full Application	29/08/2023	Construction of an agricultural building with hardstanding yard	West View Old Churchstoke Montgomery SY15 6DH
	Approve	14/07/2023	23/1093/FUL	Full Application	12/09/2023	Application for the erection of an agricultural building	Meadow Crest Churchstoke Montgomery SY15 6EN
	Closed	07/07/2023	23/0123/PRE	Pre-Planning Application Enquiry	11/08/2023	Pre-planning application enquiry in relation to erection of affordable dwelling	Land At White Grit Minsterley Shrewsbury SY5 0JJ
	Closed	09/08/2023	23/1243/PRL	Preliminary enquiry	14/08/2023	Installation of 2 wooden telecommunications pole - WF4P565H refers	Land Near Tan Y Coed Pentre Churchstoke Powys SY15 6TB
Cilmerly Community	Approve	12/05/2023	23/0211/FUL	Full Application	21/08/2023	Change of use of land and construction of workshop building (to facilitate relocation of existing workshop located within the adjoining village) together with associated access and parking	Workshop Cilmerly Station Road Cilmerly Builth Wells Powys LD2 3GE

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Cilmerly Community	Refused	19/05/2023	23/0779/REM	Removal or Variation of Condition	14/08/2023	Application under Section 73 to remove condition 4 attached to permission B/99/0115 relating to occupancy	Pantawel Annexe Cilmerly Builtth Wells Powys LD2 3PB
Disserth And Trecoed Community	EIA not Required	18/07/2023	23/1120/SO	Screening Opinion	14/08/2023	Screening opinion request in relation to a proposed electricity substation, access track and underground electricity cable route connection, in respect of the Town and County Planning (Environmental Impact Assessment) (Wales) Regulations 2017	Hendy Wind Farm Project Proposed Electricity Substation Land South East Of Crossway, Howey Underground Electricity Cable Route Connections Between Hendy And Howey, Llandrindod Wells
Duhonw Community	Approve	08/06/2023	23/0866/DIS	Discharge of Condition	03/08/2023	Discharge of conditions 8, 9, 11 and 13 of planning permission 22/0047/FUL (pollution prevention plan, external lighting scheme, landscaping and colour of composite slate roof)	Land At Fair Bank Nantyrarian Road Llanynis Builtth Wells Powys



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Dwyriw Community	Approve	30/06/2023	23/0959/DIS	Discharge of Condition	23/08/2023	Application to discharge condition 4 attached to permission 22/2175/FUL in relation to Biodiversity Enhancement Plan	Nantwyllt Cefn Coch Welshpool SY21 0AY
	Approve	13/07/2023	23/1089/FUL	Full Application	07/09/2023	Installation of electricity substation in association with approved wind turbine and all associated works	Land West Of Nantwyllt Cefn Coch Welshpool Powys SY21 0AY
	Refused	23/03/2023	23/0477/CLE	Certificate of Lawfulness - Existing	04/09/2023	Application under Section 191 for a lawful development certificate, for the existing use of a building for dog breeding and boarding kennels	Tan Llan New Mills Newtown Powys SY16 3NN

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Felin-Fach Community	Approve	17/02/2023	23/0282/REM	Removal or Variation of Condition	25/08/2023	Variation of condition 3 (operating hours) on planning approval P2016/0792 (Variation of condition 11 of permission P/2014/0851 to allow waste materials to be stored outside of the building)	Cwrt Y Plyffin Landfill Site, Waste Transfer Station Llanfilo Brecon LD3 OTT
Forden With Leighton & Trelystan Community	Application Withdrawn	14/06/2023	23/0757/REM	Removal or Variation of Condition	04/08/2023	Application under Section 73 to vary condition 2 attached to permission 21/2183/FUL, to allow amendments to approved plans	The View Luxury Glamping Land Adjacent To Cefn Derw Forden Welshpool Powys SY21 8LZ
	Approve	28/07/2023	23/1129/FUL	Full Application	14/09/2023	Erection of a portal frame over existing farmyard manure store	Y Ddol Forden Welshpool Powys SY21 8NH
	Closed	21/08/2023	23/1303/PRL	Preliminary enquiry	22/08/2023	New Premise Licence Application	Quaint Country Weddings Church House Farm Trelystan Welshpool Powys SY21 8LD

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Gladestry Community	Approve	19/06/2023	23/0198/HH	Householder	29/08/2023	Change of use to domestic curtilage and erection of single storey outbuilding to be used primarily as a secure place to store carpentry tools and machinery.	Sunnyside Newchurch Kington HR5 3QG
	Approve	11/07/2023	23/1070/HH	Householder	05/09/2023	Erection of an extension	The Foyce Bungalow Gladestry Kington HR5 3NS
	Approve	26/07/2023	23/1006/FUL	Full Application	05/09/2023	Erection of Steel Portal Framed Structure over existing livestock yard for stock handling together with all other associated works.	Cwmgwilliam Newchurch Kington HR5 3QS
Glantwymyn Community	Application Withdrawn	10/08/2023	23/1196/LBC	Listed Building Consent	23/08/2023	New residential annex within curtilage of listed dwelling	Pen Y Bont Cemmaes Road Machynlleth SY20 8JY
Guilsfield Community	Approve	17/04/2023	23/0583/DIS	Discharge of Condition	07/09/2023	Application to discharge conditions 3, 4, 5, 6 and 10 from planning permission 22/1386/RES	Fairview Service Station Guilsfield Welshpool SY21 9ND

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Gwernyfed Community	Approve	13/01/2023	23/0049/FUL	Full Application	07/08/2023	Erection of rear extensions to 1 and 2 Pentwyn, replacement porch to Pentwyn 1, and construction of car port. Siting of a log cabin to be used as temporary accommodation	1 And 2 Pentwyn Three Cocks Brecon LD3 0SW
	Approve	20/07/2023	23/0929/CLP	Certificate of Lawfulness - Proposed	12/09/2023	Certificate of lawfulness application (Section 192) for proposed timber cladded garden room freestanding from house	Greylees Three Cocks Brecon LD3 0SH
Hay Community	Closed	17/08/2023	23/1295/PRL	Preliminary enquiry	21/08/2023	Application to vary licence	Cosy Cafe 5 High Town Hay-on-wye Hereford Powys HR3 5AE
Honddu Isaf Community	Approve	09/05/2023	23/0653/REM	Removal or Variation of Condition	22/08/2023	Section 19 application to vary condition 2 of planning permission 22/0021/LBC in relation to approved plans	Bethel Cottage Llandefaelog Fach Brecon LD3 9RB

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Kerry Community	Closed	04/07/2023	23/0108/PRE	Pre-Planning Application Enquiry	14/08/2023	Pre-planning application enquiry in relation to glamping site and associated works	Penllwyn Land Kerry Newtown Powys SY16 4EG
	Closed	10/08/2023	23/1241/PRL	Preliminary enquiry	14/08/2023	Installation of 4 wooden telecommunication poles - WF4HP1P refers	Land At Kerry Newtown Powys SY16 4LR
	Closed	11/08/2023	23/1252/PRL	Preliminary enquiry	14/08/2023	Installtion of telecommunications pole WF49DBY refers	Land Near Drefor Cottage Kerry Newtown Powys SY16 4PQ
	Closed	14/08/2023	23/1267/PRL	Preliminary enquiry	15/08/2023	Regulation 5 Notice - Installation of nine wooden telecommunications poles - WF4PW3S refers	Land Around Bethany Chapel Kerry Newtown Powys SY16 4NE
	Closed	17/08/2023	23/1294/PRL	Preliminary enquiry	22/08/2023	Intalation of 8 wooden telecommunication poles - WF4V443F refers	Land Around Upper Waen Kerry Newtown Powys SY16 4LT
	Closed	22/08/2023	23/1310/PRL	Preliminary enquiry	25/08/2023	Installation of wooden telecommunication pole WF4V2VP1P refers	Land At A489 Llancowrid Kerry Sarn Powys SY16 4EG

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Kerry Community	Closed	06/09/2023	23/1390/PRL	Preliminary enquiry	08/09/2023	Instalation of three wooden telecommunications poles - WF5P6F0B refers	Land At Kerry Newtown Powys SY16 4NZ
	Closed	08/09/2023	23/1410/PRL	Preliminary enquiry	12/09/2023	Installation of 3 wooden telecommunication poles - WF54DG0N refers	Land At Kerry Newtown Powys SY16 4DY
	Closed	11/09/2023	23/1411/PRL	Preliminary enquiry	12/09/2023	Installtion of wooden telecommunications poles - WF5TR71C refers	Land At Kerry And Anchor Bettws Y Crwn Newtown Powys SY16 4PH
	Closed	12/09/2023	23/1418/PRL	Preliminary enquiry	14/09/2023	Application for a Certificated Site - site ref 136/050	Land At Bryncwmnant Kerry Newtown Powys SY16 4DY
	Closed	14/09/2023	23/1427/PRL	Preliminary enquiry	14/09/2023	Installation of 8 wooden telecommunication poles - WF6DLW0N refers	Various Sites In Kerry Newtown Powys SY16 4LU

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Knighton Community	Application Withdrawn	07/07/2023	23/0981/NMA	Non-Material Amendment	08/08/2023	Non material amendment to reserved matters approval 19/0855/RES (to amend the Reserved Matters approval description to reference outline application 23/0832/REM)	Land At Former Clothing Factory Site West Street Knighton Powys
	Approve	05/06/2023	23/0832/REM	Removal or Variation of Condition	07/08/2023	Section 73 application to vary condition number 3 attached to planning permission P/2018/0507 to extend the time limit for commencement	Land At West Street Knighton Powys LD7 1EN
	Approve	06/06/2023	23/0782/LBC	Listed Building Consent	24/08/2023	Removal of modern finishes, repair of damaged structure and reinstatement of historically appropriate finishes	The Knighton Hotel Broad Street Knighton LD7 1BL

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Knighton Community	Approve	05/07/2023	23/1003/NMA	Non-Material Amendment	10/08/2023	Non Material Amendment to planning approval P/2018/0583 to allow flat roof to "sun room" instead of gable pitched	The Toot Garth Lane Knighton Powys LD7 1HH
	Approve	12/07/2023	23/1146/TRE	Works to trees in Conservation Area	01/09/2023	Works to cherry tree within the conservation area (felling and dismantle)	Offas Dyke House 4 High Street Knighton Powys LD7 1AT
	Approve	24/07/2023	23/1099/TRE	Works to trees in Conservation Area	01/09/2023	Removal of 11m of hedgerow in a conservation area	The Bungalow Lower Cwm Road Knighton LD7 1HF
	Closed	21/07/2023	23/0127/PRE	Pre-Planning Application Enquiry	29/08/2023	Pre-planning application enquiry in relation to residential development and associated works	Land Off Ludlow Road Knighton Powys LD7 1HP
Llanbadarn Fawr Community	Approve	10/07/2023	23/1047/FUL	Full Application	06/09/2023	Proposed extension to an agricultural building to allow adequate space for cattle already assessed and approved under application reference	Church House Farm Crossgates Llandrindod Wells LD1 5ST

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Llanbadarn Fynydd Community	Closed	03/07/2023	23/0121/PRE	Pre-Planning Application Enquiry	07/08/2023	Pre-planning application enquiry in relation to changing a door to a window on front elevation of property	1 - 2 Rock Cottage Llanbadarn Fynydd Llandrindod Wells Powys LD1 6YA
Llanbadarn Fynydd Community	Permitted Development	20/07/2023	23/1022/AGR	Agricultural Notification	17/08/2023	Proposed access track	Abergwenlas Farm Llanbadarn Fynydd Llandrindod Wells LD1 6YA
Llanbister Community	Approve	09/06/2023	23/0776/FUL	Full Application	10/08/2023	Erection of stables, feed store and tack room, formation of manege, creation of a pond and improvements to the existing vehicular access	Lower Caeglas Llanbister Llandrindod Wells Powys LD1 6UN

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Llanbister Community	Closed	12/07/2023	23/0083/PRE	Pre-Planning Application Enquiry	11/08/2023	Pre-planning application enquiry in relation to conversion of existing church into a residential dwelling including change of use of curtilage, access, parking, foul drainage and all other associated works	Llanbister Methodist Church Llanbister Llandrindod Powys LD1 6TN
Llanbryn-mair Community	Closed	31/07/2023	23/1194/PRL	Preliminary enquiry	03/08/2023	Installation of 7 wooden telecommunication poles - WF3VKP2R refers	Land Around Llanbryn-mair Powys SY19 7EA
Llanbryn-mair Community	Closed	15/08/2023	23/1270/PRL	Preliminary enquiry	12/09/2023	Regulation 5 Notice - Installation of wooden telecommunications pole - WFG533F refers	Land O/S Nant Siriol Llanbryn-mair Powys SY19 7DL
Llanddew Community	Consent	16/03/2023	23/0432/DIS	Discharge of Condition	07/09/2023	Application to discharge condition 37 attached to permission P/2009/0844 (via 22/1317/NMA), relating to affordable housing provision	Maes Maldwyn Formerly Known As Land Opposite Ty Cerrig Llanddew Brecon Powys

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Llandinam Community	Approve	13/06/2023	23/0809/HH	Householder	09/08/2023	Extension and Alterations to an existing house	Waen Gelli Felin Tylwch Llanidloes Powys SY18 6JS
Llandrindod Wells Community	Approve	19/05/2023	23/0088/PRE	Pre-Planning Application Enquiry	10/08/2023	Pre-planning application enquiry in relation to residential development of up to 15 dwellings and associated works	Land Off A483 (306410 262685) Llandrindod Wells Powys
Page 97	Approve	22/05/2023	23/0792/HH	Householder	08/08/2023	Erection of first floor rear extension	33 Lant Avenue Llandrindod Wells Powys LD1 5EF
	Approve	07/06/2023	23/0863/LBC	Listed Building Consent	18/08/2023	Listed building consent for Internal refurbishment and alterations to Units 1-6, communal Foyer area and Cycle Museum on the ground floor and Unit 9B and communal area to the first floor	The Automobile Palace Temple Street Llandrindod Wells LD1 5HU
	Approve	08/06/2023	23/0718/FUL	Full Application	03/08/2023	Change of Use of property from Cafe (A3 use) to Dental Practice (D1 use)	5 Middleton Street Llandrindod Wells Powys LD1 5DG

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Llandrindod Wells Community	Approve	31/07/2023	23/1121/CLP	Certificate of Lawfulness - Proposed	29/08/2023	Section 192 application for certificate of proposed use in relation to repair and repainting of ground floor windows of No. 1 High Street	1-2 High Street Llandrindod Wells Powys LD1 6AG
	Approve	10/08/2023	23/1247/DIS	Discharge of Condition	11/09/2023	Discharge of condition 3 of planning approval 22/2075/FUL in relation to a Service Mangement Plan	Unit 21 To 22 Ddole Industrial Estate Road Llandrindod Wells Powys
	Closed	21/07/2023	23/1182/PRL	Preliminary enquiry	21/08/2023	Upgrade of plant and machinery on Wastewater Treatment Works site	Llandrindod Wells Wastewater Treatment Works Park Lane Llandrindod Wells Powys
	Consent	22/12/2022	22/2194/LBC	Listed Building Consent	29/08/2023	Listed building consent for the replacement of internal and external self service ATM machines, the replacement of external ATM signage and installation of new external CCTV.	Midland Bank Middleton Street Llandrindod Wells LD1 5EU

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Llandrindod Wells Community	Consent	12/01/2023	22/2192/FUL	Full Application	29/08/2023	Replacement of existing external ATM machine and existing external signage with new, and installation of a new CCTV camera.	Midland Bank Middleton Street Llandrindod Wells LD1 5EU
	Consent	12/01/2023	22/2193/ADV	Advertisement Consent	29/08/2023	Replacement of x1 existing external ATM signage with new illuminated signage.	Midland Bank Middleton Street Llandrindod Wells LD1 5EU
	EIA not Required	21/07/2023	23/1172/SO	Screening Opinion	11/08/2023	Screening opinion request in respect of the proposed works at Llandrindod Wells Wastewater Treatment Works, under the provisions of Regulation 6(1) of the Town and County Planning (Environmental Impact Assessment) (Wales) Regulations 2017	Llandrindod Wells Wastewater Treatment Works Park Lane Llandrindod Wells Powys
Llandrinio And Arddleen Community	Closed	01/08/2023	23/1204/PRL	Preliminary enquiry	14/08/2023	Installation of wooden telecommunications pole - WF4G14T refers	Land Near 23 Tan-y-foel Llanymynech Powys SY22 6EP

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llandysilio Community	Approve	19/07/2023	23/1135/TPO	Works to Trees subject to a TPO	12/09/2023	Application for works to trees with a TPO	Pentreheylin Newbridge Llanymynech Powys SY22 6PG
	Closed	10/07/2023	23/0119/PRE	Pre-Planning Application Enquiry	15/08/2023	Pre-planning application enquiry in relation to change of use of former pigeon loft building to form accessible holiday let for disabled and able bodied visitors	Braeside Cottage Brynmawr Llanymynech Powys SY22 6PQ
	Closed	24/07/2023	23/1183/PRL	Preliminary enquiry	14/08/2023	Installation of telecommunications pole - WF3R0L8L refers	Land By 23 Tan-y-foel Llanymynech Powys SY22 6EP

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Llandysilio Community	Consent	17/02/2020	20/0231/LBC	Listed Building Consent	04/08/2023	Listed building consent for the renovation works / alterations of an abandoned dwelling to reinstate as a dwelling including demolition of a lean to structure to east elevation and detached outbuilding together with alterations / conversion of outbuildings (barn range) to form 7 no. residential units including demolition of steel frame building east of barn range and all associated works	Calcot Hall Domgay Lane Llandrinio Llanymynech Powys SY22 6SJ
	Consent Section 106	15/05/2019	19/0817/OUT	Outline planning	04/09/2023	Residential development of up to 35 affordable dwellings, formation of vehicular access (some matters reserved)	Land At Gornal Farm Four Crosses Powys SY22 6RJ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanelwedd Community	Permitted Development	11/08/2023	23/1265/PRL	Preliminary enquiry	07/09/2023	Proposed Telecommunications Radio Base Station Upgrade VF17978_4 CTIL30050903 refers	Land At Royal Welsh Showground Llanelwedd Builth Wells Powys LD23SY
Llanerfyl Community	Application Withdrawn	12/07/2023	23/1084/NMA	Non-Material Amendment	16/08/2023	Application for a non material amendment to planning permission P/2018/0312 in relation to creating 1 passing bay instead of 2.	Land At Cabin Site Llanerfyl Welshpool SY210EL
Llanfair Caereinion Community	Approve	17/07/2023	23/0917/HH	Householder	29/08/2023	Use of land as extension to domestic curtilage (retrospective)	Arddol House High Street Llanfair Caereinion Welshpool SY21 0QY
Llanfair Caereinion Community	Closed	25/07/2023	23/1189/PRL	Preliminary enquiry	14/08/2023	Renewal of CL site	Land At Coedcaehaid Llanfair Caereinion Welshpool Powys SY210HY
Llanfechain Community	Approve	08/06/2023	23/0751/HH	Householder	22/08/2023	Construction of a greenhouse attached to the end wall of an unlisted former stables within the curtilage of listed buildings.	Pentre Llanfechain SY226XB

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Llanfechain Community	Approve	03/07/2023	23/1020/LBC	Listed Building Consent	22/08/2023	Listed building consent for erection of greenhouse abutting existing brick stable block	Pentre Llanfechain SY22 6XB
	Consent	06/03/2023	23/0136/FUL	Full Application	11/08/2023	Formation of access track , erection of agriculture buildings and all other associated works	Cae Mawr Ystryd Y Ceunant Llanfechain SY22 6XH
	Permitted Development	25/07/2023	23/1162/AGR	Agricultural Notification	10/08/2023	Erection of agricultural storage building to be used for feed and machinery	Pen Y Parc Mawr Llanfechain Powys SY22 6XB
	Permitted Development	07/08/2023	23/1079/AGR	Agricultural Notification	05/09/2023	Proposed erection of workshop and isolation units for livestock	Domen Gastell Llanfechain Powys SY22 6UY
Llanfihangel Community	Approve	06/02/2023	23/0097/OUT	Outline planning	11/08/2023	Outline: Erection of an agricultural workers dwelling, to include vehicular access and associated works (some matters reserved)	Land At Cefn Coed Isaf Llanfihangel Llanfyllin SY22 5JF



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Llanfihangel Community	Approve	05/04/2023	23/0548/CLE	Certificate of Lawfulness - Existing	13/09/2023	Section 191 application for a Certificate of Existing Lawful Use for the occupation of dwelling without compliance of condition 2 of M11716	Fron Goch Llanfihangel Llanfyllin SY22 5JG
	Approve	27/07/2023	23/1081/DIS	Discharge of Condition	23/08/2023	Discharge of conditions 6, 8, 9, and 10 from 22/0348/FUL in respect of soft and hard landscaping, biodiversity enhancement plant, and external materials	Celyn Mawr Llanwddyn Oswestry SY10 0NN
Llanfihangel Rhydithon Community	NMA Approved	31/07/2023	23/0750/NMA	Non-Material Amendment	29/08/2023	Non-material amendment for planning permission 20/2060/RES in respect of change of external materials to elevations	Plot 2 Development At Land Adjacent To The Manse Dolau Llandrindod Wells Powys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanfyllin Community	Approve	22/06/2023	23/0735/FUL	Full Application	12/09/2023	Formation of a track to the property from an existing access together with installation of a septic tank	Lloran Llanfihangel Llanfyllin SY22 5HZ
Llangammarch Community	Approve	13/02/2023	23/0246/REM	Removal or Variation of Condition	26/08/2023	Section 73 application to remove condition no. 8 attached to planning approval reference B1039 (occupancy condition)Conditions(s) Removal:The issuing of certificate 22/1923/CLE makes the condition unenforceable and no longer necessary - please see the supporting statement deleted	Hill View Llanwrtyd Wells LD4 4DN
Llangedwyn Community	Approve	12/12/2022	22/1891/LBC	Listed Building Consent	21/08/2023	Listed building consent for internal works	Golfa Isaf Farm Llangedwyn Oswestry Powys SY10 9JY



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Llangunllo Community	Approve	20/12/2022	22/2150/FUL	Full Application	01/09/2023	Installation of a 50m lattice tower supporting 6 no. antennas, 4 no. transmission dishes, 4 no. equipment cabinets, 1 no. meter cabinet, and ancillary development including a 1.8m high mesh fence, a generator and associated fuel tank, Gabion Wall, Remote Radio Units (RRUs), hard standing area and access track	Land At Radnor Forest Lower Fishpools, Bleddfa Knighton Powys LD7 1PA
	Approve	11/07/2023	23/1065/NMA	Non-Material Amendment	15/08/2023	Non-material amendment to 21/1429/HH to amend the approved plans in respect of replacing the hipped roof with a gable end on North East elevation	River View Llanbister Road Llandrindod Wells LD1 5UT

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llangunllo Community	Closed	26/07/2023	23/0129/PRE	Pre-Planning Application Enquiry	29/08/2023	Pre-planning application enquiry in relation to 3 additional holiday cabins and conversion of barn to house/holiday let	Land At Lower Fishpools Bleddfa Knighton Powys LD7 1PA
Llangyniew Community	Closed	04/08/2023	23/1229/PRL	Preliminary enquiry	15/08/2023	Installation of additional pole between poles 22 and 23	Land At Henlan Caravan Park Llangyniew Welshpool Powys SY21 9HF
Llangynog Community	Approve	09/06/2023	23/0798/HH	Householder	17/08/2023	Erection of single storey front extension	Wern Goch Pen-Y-Gwaith Llangynog Oswestry SY10 0EP
	Approve	13/06/2023	23/0831/FUL	Full Application	22/08/2023	Extension to domestic curtilage and change of use of implement shed to domestic garage with first floor Hobby Room over for use ancillary to the existing dwelling, together with retrospective insertion of windows at first floor level	Nant Yr Hen Glawdd Llangynog Oswestry SY10 0HD

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanidloes Community	Refused	03/03/2023	23/0358/FUL	Full Application	21/08/2023	Demolition of existing factory/warehouse and erection of 8 no. dwellings, formation of access road, car parking and associated works	Former Sandringham Leather Goods Factory Eastgate Street Llanidloes SY18 6HE
Llanigon Community	Approve	12/08/2022	22/1341/HH	Householder	10/08/2023	The retention of a gabion retaining wall (retrospective) - and proposed reduction of height.	Lynwood Llanthomas Lane Llanigon Hereford HR3 5PU
	Permitted Development	08/08/2023	23/1231/AGR	Agricultural Notification	06/09/2023	General Purpose Agricultural Storage Building	Land Adjacent To The Burlands Gipsy Castle Lane Hay-On-Wye HR3 5PW

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanrhaeadr-Ym-Mochant Community	Approve	28/10/2022	22/1688/FUL	Full Application	03/08/2023	Conversion and extension of a church to form a single dwelling, erection of a garage, installation of treatment plant, installation of solar panels, creation of aeration pond, creation of access and all other associated work.	St Mary's Church Brithdir Llanfyllin SY22 5HB
Page 121	Approve	23/11/2022	22/1565/LBC	Listed Building Consent	21/08/2023	Retrospective replacment of kitchen extraction and 'make safe' of cobbles to the front of the building and replacment signage.	Little India Plough Inn Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0JR
	Approve	23/11/2022	22/1567/ADV	Advertisement Consent	21/08/2023	Application to change the existing signage	Little India Plough Inn Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0JR
	Approve	12/05/2023	23/0759/FUL	Full Application	14/08/2023	Proposed Conversion of outbuilding into ancillary annex and associated works	Ty Draw Llanrhaeadr-Ym-Mochnant Oswestry SY10 0DB

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanrhaeadr-Ym-Mochant Community	Approve	15/05/2023	23/0734/DIS	Discharge of Condition	11/08/2023	Discharge of condition 5 of planning permission P/2017/0571 (affordable housing)	Land Adjoining Brynderw Park Street Llanrhaeadr-Ym-Mochnant Oswestry SY10 0JJ
Llansantffraid Community	Approve	28/06/2023	23/0788/HH	Householder	12/09/2023	Application to extend the residential curtilage and install standalone ground-mounted solar panels.	Pentre Bach Pen-Y-Bont Oswestry SY10 9JJ
Page 123	Approve	19/07/2023	23/1143/DIS	Discharge of Condition	22/08/2023	Application to discharge condition no. 6 attached to planning approval 22/1911/FUL (Demolition method statement)	Tanybryn Cottage Llansantffraid Powys SY22 6TB
	Permitted Development	25/07/2023	23/0987/AGR	Agricultural Notification	29/08/2023	Covered area to be used as handling area to replace existing handling area on site along with covered agricultural storage area to be used to store agricultural machinery and hay	Land At Hendre Boeth Poultry Llansantffraid Powys SY22 6TJ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llansantffraid Community	Refused	16/06/2023	23/0791/LBC	Listed Building Consent	25/08/2023	Listed building application for internal and external works	Cleveland House Llansantffraid-Ym-Mechain SY22 6AQ
Llanwddyn Community	Approve	26/06/2023	23/0977/NMA	Non-Material Amendment	24/08/2023	Non material amendment to planning permission P/2009/0359 in respect of variation of condition 3 to new rural enterprise condition as per TAN 6	Land Near Lake Vyrnwy Hotel, Llanwddyn Oswestry SY10 0LX
Llanwrthwl Community	Permitted Development	19/07/2023	23/1078/AGR	Agricultural Notification	29/08/2023	5Proposed agricultural building for machinery and fodder	Dol Garreg Llanwrthwl Powys LD1 6NU
Llanwrtyd Wells Community	Approve	26/01/2023	23/0062/VAR	Discharge/Modification of S106	24/08/2023	Application to discharge the Section 106 Agreement attached to planning permission P/2015/0289 - relating to affordable housing	The Gorsaf Station Road Llanwrtyd Wells Powys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanwrtyd Wells Community	Approve	01/02/2023	23/0172/REM	Removal or Variation of Condition	24/08/2023	Section 73 application to vary condition 2 attached to planning permission P/2015/0289 to vary approved plans (affordable housing)	Plots 4,5,6,7 And 8 The Gorsaf Station Road Llanwrtyd Wells Powys LD5 4RW
	Consent	09/05/2023	23/0737/HH	Householder	14/08/2023	Conversion of an attached outbuilding to form additional accommodation (one extra room) linked to existing dwelling including demolition of lean to store (resubmission of 22/0693/HH)	Penrhos Llanwrtyd Wells LD5 4TE
Llanyre Community	Closed	11/07/2023	23/1098/PRL	Preliminary enquiry	03/08/2023	Telecommunications Upgrade 240231 refers	Mast 508M From Upper Cilgee 549M From Unnamed Road Mast 494M From Upper Cilgee 535M From Unnamed Road Doldowlod Llandrindod Powys LD1 6HD



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Llanyre Community	NMA Approved	10/07/2023	23/0901/NMA	Non-Material Amendment	07/09/2023	Application for non-material amendments to 19/1885/RES to allow alterations to proposed site levels and foul drainage runs	Land Adjacent To Moorlands Llanyre Llandrindod Wells LD1 6EA
Llywel Community	Closed	30/06/2023	23/0114/PRE	Pre-Planning Application Enquiry	18/08/2023	Pre-planning application enquiry in relation to agricultural diversification comprising 1) conversion of barn to dwelling, 2) conversion of barn to residential use for course attendees, staff and volunteers, 3) siting of 2 no tips on land to accommodate volunteers, students and staff, 4) conversion of barn to communal service building and indoor teaching space and 5) extension to cottage farmhouse	Cefn Twrch Sennybridge Brecon Powys LD3 8TY

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Machynlleth Community	Application Withdrawn	17/05/2023	23/0534/LBC	Listed Building Consent	02/08/2023	Installation of new signage including a projecting illuminated sign and painting the existing shopfront (retrospective)	8 Heol Pentrerhedyn Machynlleth Powys SY20 8DN
	Approve	05/06/2023	23/0843/HH	Householder	16/08/2023	Proposed Extensions and Alterations	3 Ffordd Mynydd Uchaf, Ty Hyddgen Ffordd Mynydd Uchaf Machynlleth SY20 8DD
	Approve	21/06/2023	23/0827/FUL	Full Application	30/08/2023	Extension of beer garden, installation of new boundary fence, installation of festoon posts, removal of existing garage and partial removal of existing boundary wall.	14-16 Penrallt Street Machynlleth SY20 8AJ
	Approve	28/06/2023	23/0967/DIS	Discharge of Condition	18/08/2023	Application to discharge conditions 10 and 11 from planning permission 21/1663/FUL	Semi Detached Industrial Unit Treowain Industrial Estate Machynlleth Powys

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Machynlleth Community	Approve	28/06/2023	23/0968/DIS	Discharge of Condition	18/08/2023	Application to discharge condition 9 from planning permission 21/1702/FUL	Erection Of An Industrial Unit At Unit C2a Treowain Enterprise Centre Treowain Industrial Estate Machynlleth Powys
	Closed	19/07/2023	23/1141/PRL	Preliminary enquiry	03/08/2023	Installation of wooden telecommunication pole - WF346W refers	Near To 60 Tregarth Machynlleth Powys SY20 8HX
	Closed	24/07/2023	23/1187/PRL	Preliminary enquiry	03/08/2023	Installation of telecommunications pole - WF3WF30N refers	Land Near 60 Tregarth Machynlleth Powys SY20 8HX
Meifod Community	Approve	22/05/2023	23/0713/HH	Householder	14/08/2023	Proposed garden building to provide ancillary accommodation and home office space	Bryn Vyrnwy Cill Lane Meifod SY22 6YA
Mochdre Community	Approve	05/07/2023	23/1032/DIS	Discharge of Condition	25/08/2023	Discharge of remaining part of condition 11 attached to reserved matters approval 20/1581/RES in relation to details of external materials for Plots 16-38 and 61-68	Land To The South Of The A489 West Of Mochdre Brook Newtown Powys SY16 4HZ

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Mochdre Community	Consent Section 106	17/01/2022	21/2333/FUL	Full Application	13/09/2023	Residential development of 8 affordable dwellings and associated infrastructure	Land South Of Llanidloes Road Newtown Powys
	Consent Section 106	30/03/2022	22/0533/REM	Removal or Variation of Condition	13/09/2023	Section 73 application to remove condition 6 of outline planning permission P/2016/0797 in relation to affordable housing	Development To The North Of Llanidloes Road Llanidloes Road Newtown Powys
Montgomery Community	Approve	17/04/2023	23/0451/FUL	Full Application	07/08/2023	Erection of a covered manure store and all associated works	Sutton Montgomery Powys SY15 6HJ
	Approve	03/07/2023	23/0890/LBC	Listed Building Consent	22/08/2023	Retention of internal alterations to dwelling, namely the removal of a timber stud partition	Bank Cottage Kerry Road Montgomery SY15 6PD
	Approve	02/08/2023	23/1202/DIS	Discharge of Condition	29/08/2023	Discharge of condition 3 of planning approval 20/2118/FUL in relation to CPAT Report	Land Off Forden Road Montgomery Powys SY15 6EU

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Nantmel Community	Approve	19/05/2023	23/0777/DIS	Discharge of Condition	06/09/2023	Application to discharge conditions 7, 8 and 10 attached to permission 23/0015/FUL - relating to hedgerow translocation and highway requirements	Upper Esgairhiw Rhayader Powys LD6 5PD
New Radnor Community	Approve	12/07/2023	23/0935/HH	Householder	11/09/2023	Proposed rear extension to residential dwelling.	Windrush 4 Clawdd Lane New Radnor Presteigne LD8 2TU
Newtown And Llanochaiarn Community	Approve	13/04/2023	23/0577/FUL	Full Application	04/09/2023	Change of use of agricultural land for the erection of building (innovation and assembly centre) and associated access, landscaping and drainage works	Unit 45 Heol Ashley Newtown SY16 4LE

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Newtown And Llanllwchaiarn Community	Approve	21/04/2023	23/0518/CLE	Certificate of Lawfulness - Existing	07/09/2023	Section 191 Certificate of lawfulness for an existing operational development, engineering operations for existing access points, internal roads, hardstanding and portal framed building	Land/Depot Adj. Ffrydd Vaughan Dolfor Road Newtown Powys SY16 4BQ
Page 139	Approve	23/05/2023	23/0701/HH	Householder	04/09/2023	Removal of the existing UPVC windows and door, and installation of timber double glazed windows and door	28 Llanllwchaiarn Road Newtown Powys SY16 2JN
	Approve	23/05/2023	23/0702/LBC	Listed Building Consent	04/09/2023	Removal of the existing UPVC windows and door, and installation of timber double glazed windows and door	28 Llanllwchaiarn Road Newtown Powys SY16 2JN
	Approve	26/05/2023	23/0728/FUL	Full Application	16/08/2023	Change of use of business premises to a dwelling (C3)	Offices 5 Turner's Lane Newtown SY16 2AU

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Newtown And Llanllwchaiarn Community	Approve	15/06/2023	23/0820/FUL	Full Application	10/08/2023	Demolition of existing building and erection of a building containing a ground floor retail space with 4 flats above (with associated auxiliary spaces). (resubmission of 22/1033/FUL)	Former Motorworld Site Gas Street Newtown Powys SY16 2AD
	Approve	15/06/2023	23/0960/CAC	Conservation Area Consent	10/08/2023	Demolition of a building	Former Motorworld Site Gas Street Newtown Powys SY16 2AD
	Approve	16/06/2023	23/0919/FUL	Full Application	11/08/2023	Change of use from A1 (Retail) to Class B1 (Offices/business use)	Units 2 & 3 Ladywell Shopping Centre New Church Street Newtown SY16 1AF
	Approve	28/06/2023	23/0940/HH	Householder	01/09/2023	Erection of extension	82 Garth Owen Hafren Newtown SY16 1JN
	Closed	19/07/2023	23/1138/PRL	Preliminary enquiry	03/08/2023	New Premise Licence Application	Hummingbird 11 High Street Newtown Powys SY16 2NX
	Closed	16/08/2023	23/1291/PRL	Preliminary enquiry	12/09/2023	Proposed diversion of public footpath 253/N7/1	Land At Dulas Garage Llanidloes Road Llanllwchaiarn Y Drenewydd Powys SY16 4HX

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Newtown And Llanllwchaiarn Community	Refused	28/06/2023	23/0098/HH	Householder	29/08/2023	Installation of replacement ground floor front elevation windows and door (retrospective)	2 Commercial Street Newtown Powys SY16 2BL
Old Radnor Community	Approve	20/01/2023	22/2100/HH	Householder	15/08/2023	Extension of curtilage and Installation of 2 No. Shepherd Huts as ancillary accommodation and home office, decking and freestanding solar array (retrospective)	Old Burfa Evenjobb Presteigne LD8 2SH
	Refused	05/01/2018	P/2018/0007	Listed Building Consent	22/08/2023	LBC: Replacement of windows	Harpton Granary Old Radnor Presteigne Powys LD8 2RE
Paincastle Community	Approve	12/07/2023	23/1080/DIS	Discharge of Condition	06/09/2023	Application to discharge conditions 6, 7 and 8 attached to consent 22/1755/HH, relating to land contamination	Ashdown Rhosgoch Builth Wells LD2 3JY

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Presteigne Community	Application Withdrawn	01/08/2023	23/0983/HH	Householder	21/08/2023	Installation of gas fired central heating and domestic plumbing pipework, replacing rusted steel and lead pipes, a very old oil fired Rayburn cooker and a couple of storage heaters that provided the heating	Millfields Hereford Street Presteigne LD8 2AT
	Application Withdrawn	01/08/2023	23/0984/LBC	Listed Building Consent	21/08/2023	Installation of gas fired central heating and domestic plumbing pipework, replacing rusted steel and lead pipes, a very old oil fired Rayburn cooker and a couple of storage heaters that provided the heating	Millfields Hereford Street Presteigne LD8 2AT

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Presteigne Community	Approve	26/05/2021	21/0881/RES	Reserved Matters	22/08/2023	Reserved matters application in respect of outline planning consent 20/0753/REM (P/2014/0067) for the erection of 10 dwellings and all associated works	Plots 13-22 Phase 2 Jacks View Norton Presteigne Powys
	Approve	05/05/2023	23/0575/HH	Householder	10/08/2023	Formation of new access (retrospective)	Lower Ackhill Presteigne Powys LD8 2ED
	Approve	22/05/2023	23/0800/DIS	Discharge of Condition	07/08/2023	Discharge of condition 10 of listed building consent 21/0362/LBC (Information regarding a written timetable for the completion of the works to the access to the belfry)	Former Church Of St Andrew Norton Presteigne Powys
	Approve	17/07/2023	23/0938/FUL	Full Application	13/09/2023	Provision of 10 no. iso containers for storage let purposes on existing concrete hardstanding	Presteigne Depot Mill Lane Presteigne LD8 2DA

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Rhayader Community	Approve	26/05/2023	23/0810/DIS	Discharge of Condition	18/08/2023	Application to discharge conditions 6,7,8,10 and 12 attached to permission P/2017/1284 in relation to Hedgerow Protection and Replacement Plan, Lighting Scheme, Landscaping Scheme, Construction Method Statement and Affordable Housing Scheme	Site Adjacent To Tir Gaia Abbeycwmhir Road Rhayader Powys LD6 5DZ
	Refused	30/06/2023	23/0834/CLP	Certificate of Lawfulness - Proposed	29/08/2023	Section 192 application for a Certificate of Lawfulness for proposed use for change of use of a residential bedroom to a beauty salon	18 Green Gardens Rhayader Powys LD6 5EH
St. Harmon Community	Approve	07/03/2023	23/0442/DIS	Discharge of Condition	06/09/2023	Application to discharge condition 10 attached to planning approval 20/1141/FUL in relation to photographic survey	Green Chapel Pant-y-dwr Rhayader Powys LD6 5LL

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Tawe-Uchaf Community	Approve	29/03/2023	23/0512/DIS	Discharge of Condition	29/08/2023	Discharge of condition no's 8, 9 & 11 attached to planning approval 20/0448/OUT (landscaping, biodiversity, construction method statement)	Land Adjacent To Coelbren School Coelbren Neath Powys
	Consent	19/07/2023	23/1134/HH	Householder	06/09/2023	Single storey extension to rear elevation	56 Heol Eglwys Coelbren Neath SA10 9PF
	EIA not Required	14/07/2023	23/1117/SO	Screening Opinion	11/08/2023	Screening opinion request for the proposed development of 132kV substation and ancillary development in respect of the Town and County Planning (Environmental Impact Assessment) (Wales) Regulations 2017	Land West Of Onllwyn Road, Neath Powys
Trefeglwys Community	Approve	21/06/2023	23/1031/HH	Householder	22/08/2023	Erection of a single storey conservatory on front of property	30 Plas Trannon Trefeglwys Caersws Powys SY17 5PW
	Approve	11/07/2023	23/0867/HH	Householder	06/09/2023	Extension and Alterations to the existing property	Penyrwtra Trefeglwys Caersws SY17 5QY

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Trefeglwys Community	Approve	11/07/2023	23/1048/NMA	Non-Material Amendment	08/08/2023	Non-Material Amendment to 23/0511/FUL to amend the approved plans in respect of installing 3 no. new antennas and 3 no. new cabinets instead of the 6 no. antennas and 5 no. cabinets approved	Land At Llwyn Gog Farm Staylittle Llanbrynmair Powys SY19 7DB
Page 153	Closed	04/07/2023	23/0112/PRE	Pre-Planning Application Enquiry	03/08/2023	Pre-planning application enquiry in relation to tourism development of 2 no holiday pods and 1 no sauna pod	Land Adjacent To Ysgubor Tan Y Fron Trefeglwys Caersws Powys SY17 5QQ
	Prior Approval Required	20/07/2023	23/1097/AGR	Agricultural Notification	02/08/2023	Erection of steel portal framed agricultural building together with all other associated works	Bodaioch Hall Trefeglwys Caersws SY17 5PN
Treflys Community	Consent	08/12/2022	22/2045/HH	Householder	10/08/2023	Renovation and extension to dwelling	2 Birch Field Garth Llangammarch Wells Powys LD4 4AT

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Treflys Community	Refused	22/09/2022	22/1590/OUT	Outline planning	02/08/2023	Erection of local needs affordable dwelling, creation of access drive, installation of waste water treatment plant and drainage field, and all associated works (all matters reserved)	Dolgoch Field Garth Llangammarch Wells LD4 4BH
Tregynon Community	Closed	28/07/2023	23/1191/PRL	Preliminary enquiry	14/08/2023	Installation of Fixed Line Broadband Apparatus - WF4D7H9Z refers	Land Opp Lluest Bwlch-y-ffridd Newtown Powys SY16 3PE
	Closed	31/07/2023	23/1197/PRL	Preliminary enquiry	14/08/2023	Installation of 3 wooden telecommunication poles WF4WV7K refers	Land Opposite Pant Mawr Tregynon Newtown SY16 3LG
	Closed	01/08/2023	23/1200/PRL	Preliminary enquiry	14/08/2023	Regulation 5 Notice Installation of fixed line broadband aparatus WF4GT75V refers	Land At B4389 Bryithdir Tregynon Newtown Powys SY16 3EN
	Closed	03/08/2023	23/1213/PRL	Preliminary enquiry	14/08/2023	Installation of two telecommunicarion poles - WF3LRP1C refers	Land At Tregynon Newtown Powys SY16 3PR

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Tregynon Community	Closed	08/09/2023	23/1397/PRL	Preliminary enquiry	12/09/2023	Installation of wooden telecommunication poles - WF5TGL8L refers	Land By Pembrey Tregynon Newtown Powys SY16 3EP
	Prel Closed	04/09/2023	23/1373/PRL	Preliminary enquiry	06/09/2023	Clarification of S106 eligibility on 4.7 acres of land adjoining Bethany Chapel	Land Adjoining Bethany Chapel Newtown Powys SY16 3EP
Trewern Community	Approve	07/11/2022	22/1838/FUL	Full Application	30/08/2023	Change of use of existing annex into self contained unit suitable for renting on a short term (AirB&B) basis.	Long Mountain House Heldre Lane Buttington Welshpool SY21 8SX
	Approve	19/12/2022	22/1988/FUL	Full Application	31/08/2023	Construction of an earth banked lightly fouled water store and all associated works	White House Heldre Lane Buttington Welshpool SY21 8SX
	Approve	31/01/2023	22/2124/FUL	Full Application	10/08/2023	Erection of ground mounted PV solar array	Old Hope Hope Road Hope Leighton SY21 8HF
	Refused	26/05/2023	23/0691/FUL	Full Application	09/08/2023	Erection of 5 dwellings, to include infrastructure and all associated works	Land Adjacent West Of Penyfoel Farm Middletown Welshpool Powys SY21 8DG
Unknown	Approve	22/10/2007	MPRE/2007/0627	Do Not Use (Old PRL)	15/12/2027	Proposed building of a car port	Property Of Montgomeryshire

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Unknown	Approve	18/05/2023	23/0576/DIS	Discharge of Condition	05/09/2023	Discharge of conditions 4, 7, 8, 9, 10, 11 and 12 of outline permission P/2017/1236 (affordable housing, detailed conservation plan and mitigation strategy, biodiversity enhancement plan, external lighting, tree and hedgerow protection plan, landscaping and management plan and reptile and small animal reasonable avoidance method statement)	Development Of 9 Dwellings On Land At Tynllan Farm Castle Caereinion Welshpool Powys
	Refused	18/07/2023	23/0939/CLP	Certificate of Lawfulness - Proposed	18/08/2023	Application for a Lawful Development Certificate (Section 192) for the proposed removal of existing out building and erection of a replacement extension	Llys Madian Heol Powys Machynlleth SY20 8AY

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	Approve	12/06/2023	23/0894/ADV	Advertisement Consent	17/08/2023	Retrospective Application to install 1 42" LCD Media Screen, 2 1250mm x 700mm and 2 Flag Pole Signs with overall height 2450mm	Tesco Mill Lane Welshpool SY21 7BL
	Approve	12/06/2023	23/0895/FUL	Full Application	17/08/2023	Retrospective Application to install 1xMedia EV Charger with Screen 1X Fast EV Charger2X Steel Flag poles	Tesco Mill Lane Welshpool SY21 7BL
	Approve	14/06/2023	23/0865/FUL	Full Application	05/09/2023	Change of use of existing building from offices to a dwelling together with external alterations	5 Powis Court Welshpool Powys SY21 7UZ
	Approve	11/07/2023	23/1096/REM	Removal or Variation of Condition	16/08/2023	Section 73 application to vary condition 2 attached to planning approval 22/0241/FUL (substitute drawing 20/10497/121 REV A with 20/10497/121 REV B)	The Pinewood Tavern Broad Street Welshpool Powys SY21 7RZ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	Approve	14/07/2023	23/0861/ADV	Advertisement Consent	14/09/2023	Display of Banking hubs branding and logo to replace existing Lloyds branding with new externally illuminated heritage fascia sign and projecting sign and display of two suspended illuminated marketing posters	40 Broad Street Welshpool SY21 7RT
	Approve	25/07/2023	23/1077/NMA	Non-Material Amendment	16/08/2023	Non-material amendment to 22/1137/FUL in relation to altering the layout of the carparking for Unit 1 (Greggs)	Land At Lime Kiln Cottage Buttington Welshpool Powys SY21 9JP
	Approve	27/07/2023	23/1174/DIS	Discharge of Condition	15/08/2023	Discharge of conditions 4 and 5 from planning permission 23/0736/HH	Top Lodge Folly Lane Guilsfield Welshpool Powys SY21 9HT
	Closed	03/08/2023	23/1212/PRL	Preliminary enquiry	14/08/2023	New Premises Licence Application	Charrington's Delicatessen 5 Hopkins Passage Welshpool Powys SY21 7SE

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	EIA not Required	17/08/2023	23/1318/SO	Screening Opinion	07/09/2023	Screening Opinion request under the provisions of Regulation 6 of the Town and County Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of the construction of an offline nature reserve at Wern together with associated enabling works including construction access, compound and landscaping	Land Off Coppice Lane Wern Powys
Whitton Community	Consent	06/06/2023	23/0839/DIS	Discharge of Condition	10/08/2023	Discharge of condition no. 2 of planning approval 22/2184/HH (Level 2 Photographic Survey)	The Birches Rhos-Y-Meirch Knighton LD7 1PE
	Prior Approval Approved	20/06/2023	23/0795/AGR	Full Application	14/08/2023	Erection of general purpose agricultural storage building	The Birches Rhos-Y-Meirch Knighton LD7 1PE

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Ystradgynlais Community	Approve	18/10/2022	22/1770/NMA	Non-Material Amendment	23/08/2023	Application for non-material amendments to application 20/1314/FUL for the variation of conditions 6, 7, 8, 9 and 10, in relation to contaminated land	Land At Brynygroes Farm Ystradgynlais SA9 1LF
	Approve	17/07/2023	23/1198/DIS	Discharge of Condition	18/08/2023	Application to discharge to permission 21/1874/FUL relating to land contamination	Land Rear Of 32 And 34 And Brecon Road Brecon Road Ystradgynlais Swansea Powys
	Approve	24/07/2023	23/1147/DIS	Discharge of Condition	18/08/2023	Application to discharge condition 7 attached to permission 22/0148/HH in relation to materials to be used on the front elevation	Cwmtawe Villa Brecon Road Abercrave Swansea Powys SA9 1SW

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Ystradgynlais Community	NMA Approved	21/07/2023	23/1148/NMA	Non-Material Amendment	18/08/2023	Non-material amendment to planning consent 22/0148/HH in respect of altering external fenestration, and stepping back the side extension	Cwmtawe Villa Brecon Road Abercrave Swansea SA9 1SW
<b>Application Total</b>		<b>220</b>					



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## Appeal Decision

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by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 22.08.2023

Appeal reference: CAS-02394-C3N8P2

Site address: Development site of former memorial hall, Trefeglwys, Caersws, Powys SY17 5PH

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- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1999) against a refusal to grant a certificate of lawfulness of a proposed use or development (LDC).
  - The appeal is made by Mr Peter Kremple against the decision of Powys County Council.
  - The application Ref 22/0654/CLP, dated 13 April 2022, was refused by notice dated 12 August 2022.
  - The application was made under section 192(1) (b) of the Town and Country Planning Act 1990 as amended.
  - The development for which a certificate of lawful use or development is sought is: the erection of 30 no. dwellings, formation of vehicular access and estate road including the formation of a new access to cemetery.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have taken the description of the use or operation for which the Lawful Development Certificate is sought from the Council's Notice of Decision as it represents a more accurate description than the application form. As this description is also used by the appellant on the appeal form, I am satisfied that there is no prejudice in this respect. I have corrected the description to remove phrases unrelated to the description of the development.

### Main Issue

3. The main issue is whether the Local Planning Authority's decision not to issue an LDC was well-founded.

### Reasons

4. Full planning permission M/2001/1041 for the development was granted on 24 September 2004 subject to 11 conditions. Condition 1 provides that the development must commence within 5 years i.e. by 24 September 2009.

5. The LDC seeks confirmation that the development approved under the above application has lawfully commenced. The appellant's justification for this is that material start to the approved development was undertaken prior to 24th September 2009, by the provision of foundations to Plot 30 on 22nd September 2009. A Building Notice reference BN/2009/1031 was submitted to the Local Authority. A letter from the owner of the site also confirms this to be the case. The Local Planning Authority accepts that the Building Control records confirm that excavations and foundations for Plot 30 were commenced on 22nd September 2009. These works constitute a material operation as specified in Section 56 of the Town and Country Planning Act 1990. The operation was undertaken within the 5 year period and so the development was begun within time.
6. However, that is not the end of the matter. Caselaw has established that if development is begun in contravention of pre-commencement conditions (or conditions precedent), it cannot be described as commencing in accordance with the planning permission. The relevant tests are that the conditions must prohibit development until a requirement has been met. And each must also have such significance to the planning permission that it goes to the heart of the permission. This is a matter of judgement on the facts of each case. The Local Planning Authority refers to conditions 2 and 6 of the permission M/2001/1041 that it claims were conditions precedent, in that they require the approval of the specified matters to be gained from the Local Planning Authority before development is begun. The Local Planning Authority acknowledged that whilst condition 4 was a condition precedent, it did not go to the heart of the planning permission.
7. Condition 2 related to the approval of details of external materials to be used on the dwellings. I do not consider that this goes to the heart of the planning permission as such details merely need to be approved prior to being used on the exterior of the dwellings.
8. Condition 6 stated that: Notwithstanding the submitted details the development hereby approved shall not commence until a scheme for the provision of surface and foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the agreed details and timetable. Condition 6 clearly is a condition precedent; in that it requires the approval of the specified reserved matters to be gained from the Local Planning Authority before development is begun.
9. The condition as worded is prohibitive in substance and effect. Details of foul and surface water drainage can have fundamental implications for the development of the site in terms of the levels across the site and finished floor levels, for example. As a matter of fact and degree, I consider that condition 6 does go to the heart of the planning permission. In reaching this conclusion, I have been mindful of the legal authorities in respect of such matters referred to within the evidence, and I am satisfied that my findings are consistent with the principles established therein.
10. The next question to consider is whether the works were carried out in breach of that condition. No details were submitted for approval and so the requirement to obtain approval from the Local Planning Authority before development is begun was not met. As the material operation was undertaken in breach of the condition precedent, I conclude that the development did not lawfully commence within the timescales set out in condition 1.
11. The Local Planning Authority refers to a later planning permission M/2006/0583 which granted separate consent for 11 dwellings on part of the site, replacing 8 dwellings previously approved under the 2001 application. This was granted in 2014, requiring commencement by 2019. The Local Planning Authority argues that the 2006 planning permission has been considered to be implemented by virtue of the submission of a non-material amendment application in May 2020. The Council relies on the judgement in

Hillside Parks Ltd v Snowdonia National Park Authority (2022) to argue that the implementation of the 2006 planning permission means that compliance with the 2001 is not possible. I noted during my site visit that no substantive works had taken place on the site. I therefore conclude that it remains open to the appellant to choose which consent to implement. This distinguishes the facts of the case from those pertaining in the Hillside Parks case.

12. The appellant points out that the approval of a non-material amendment on planning permission M/2006/0583 varied a similar drainage condition to allow commencement on the site before drainage details were approved. I note that this approval related to surface water drainage only and not foul drainage, which distinguishes it from condition 6 of M/2001/1041. M/2006/0583 was granted on 11 December 2014 (following completion of a legal agreement). The revised condition required details to be submitted within 2 months following the first implementation of the planning consent. As minimal works had taken place on the site, I consider that this does not undermine my conclusions as to whether condition 6 on M/2001/1041 is a condition precedent, which is based on the facts of the case.
13. The site was an allocation in the previous Unitary Development Plan as a commitment. Contrary to the appellant's contention, this allocation is a separate matter. It does not of itself establish that development had lawfully commenced. This can only be established in accordance with relevant caselaw.

### **Conclusion**

14. I find that the development subject of planning permission Ref: M/2001/1041 did not lawfully commence within the prescribed timescales set out in condition 1 of that consent. The planning permission is not therefore extant, meaning that the site cannot be lawfully developed under the terms of that application. For this reason, and having considered all matters raised, I conclude that the Council's decision not to issue an LDC was well-founded. The appeal is therefore dismissed.

*A L McCooey*

**INSPECTOR**

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## Appeal Decision

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by **A L McCooey BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 08/09/2023

Appeal reference: CAS-02444-B8F0H3

Site address: The Oaks, Trefeglwys, Caersws, Powys, SY17 5QY

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- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
  - The appeal is made by Mr Jonathan Williams against the decision of Powys County Council.
  - The development to which the planning obligation relates is the erection of a dwellinghouse.
  - The planning obligation, dated 5 April 2006, was made between Powys County Council and Jonathan Williams.
  - The application Ref 22/1407/VAR, dated 30 July 2022, was refused by notice dated 3 October 2022.
  - The application sought to have the planning obligation discharged.
  - A site visit was made on 31 July 2023.
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### Decision

1. The appeal is allowed. The planning obligation, dated 5 April 2006, made between Powys County Council and Jonathan Williams, no longer serves a useful purpose and is discharged.

### Main Issues

2. The main issues are whether the obligation meet the tests specified in Welsh Office Circular 13/97 Planning Obligations, particularly the tests of necessity and relevance to planning; and, if it meets the tests, whether the obligation continues to serve a useful planning purpose.

### Reasons

3. The Oaks is a detached house in a large plot of 0.288 ha. The floor area is stated to be 233 m<sup>2</sup> over two floors. This includes a former integral garage that has been converted to a habitable room and a conservatory that has been added to the dwelling.
4. The planning obligation was entered into in connection with the grant of outline planning permission in 2005 for the erection of a dwelling (Ref: M/2005/1011) and the property has been occupied by the Appellant in accordance with paragraph 1 of the Second Schedule of the obligation. The application to have the planning obligation discharged was refused for a single reason related to evidence of marketing of the dwelling for sale and rent for a

reasonable period of time and at a price that realistically reflects the occupancy restriction had been submitted.

5. The restrictions on the occupation of the dwelling are set out in the second schedule as follows:
  1. any dwelling built on the land shall (initially) be occupied by the applicant as his only dwelling.
  2. Upon any subsequent disposal or demise of the said dwelling occupation thereof shall at all times be limited to a person ("the occupier") who
    - (a) At the date of the said disposal or demise have either been resident within the District of Montgomeryshire ("the District") (as conclusively defined by the Council) for a period of not less than three years or are employed within the District or coming into the District to take up full employment or were last employed within the District AND
    - (b) they or their spouses or co-habitees do not own a dwelling in fee simple or a leasehold interest for a term exceeding 7 years at the date immediately before their first occupation of the said dwelling built on the land AND
    - (c) they or their spouses or co-habitees have not owned a dwelling as aforesaid at any time during the period of five years immediately before the date of their first occupation of the said dwelling (whether or not subject to a mortgage or legal charge).

The Third Schedule states that "any dwelling constructed on the land shall not exceed a gross floor space of 130 square metres (excluding garages).
6. Paragraph 1 of the second schedule refers to initial occupation and so is no longer relevant. The Council's intention was that the property should be retained as affordable housing for local people. The appellant was the original applicant and met the initial terms of the section 106 agreement. The obligation was imposed because the site was outside the settlement boundary at the time. The site is now within the settlement limit of Trefeglwys (designated as a large village) in the Powys Local Development Plan (LDP).
7. The Council argues that the obligation continues to serve a useful purpose because the restrictions on the size of the dwelling and its occupancy by first time buyers with a local connection has a similar effect to the broad objectives of the relevant policies on affordable housing in the LDP and the associated Supplementary Planning Guidance (SPG).
8. I acknowledge that these restrictions on the occupancy and size of the dwelling could limit its market value. However, in this case the actual size of the dwelling and the plot are well in excess of the limits for affordable housing specified in the SPG, which are 115 m<sup>2</sup> in floor area for a 4-bed house with a plot size of 0.04 ha (as the site is in a large village). As noted above the floor area of the dwelling is 233 m<sup>2</sup> and the plot size is 0.288 ha. The dwelling was 130m<sup>2</sup> when originally constructed with the additional floorspace arising from the garage conversion and a large conservatory.
9. The Local Planning Authority states that the construction of the conservatory breached the terms of the s106 obligation. The appellant points out that there were no conditions restricting permitted development rights on the planning permission, even though the SPG states that such conditions will be applied. In the absence of these controls being in place I note that the Council has not taken any action to enforce the s106 obligation or given any indication of an intention to do so. I find this significant. In addition, I must deal with the facts of the case that apply at the time of this decision.



10. The property has been valued for sale and rental by Chartered surveyors/estate agents. Even if one applies a 28% discount in accordance with guidance in the SPG, the property is worth around 4.5 times the affordability level of the average household in Powys set out in the SPG. The Council argues that there has been an increase in house prices in the 5 years since the adoption of the LDP. No evidence of the increases in house prices in this area or of the increase in average incomes has been supplied. There is nothing to suggest that the property has become more affordable in the last 5 years.
11. The normal way to test whether the obligation continues to serve a useful planning purpose is to market the dwelling for sale or rent for a reasonable period of time and at a price that realistically reflects the occupancy restriction. The lack of marketing is the sole reason for refusal of the application. The property has not been marketed for sale or rent as the appellant considers the value is so far above the affordability level that it would not serve any practical purpose. I see no value in marketing the dwelling and do not consider that the affordability levels can have increased to such an extent in 5 years as to alter this conclusion.
12. I note that if planning permission were sought now there would be no requirement for an affordable housing contribution because the site is within the settlement limit of a large village as defined in the LDP.
13. Given all the circumstances in this case, I consider that the restrictions in the s106 obligation do not limit the occupation to an affordable dwelling. Therefore the requirement to market the dwelling does not apply. I find that the obligation is not necessary because it would not safeguard the supply of affordable housing. Given the circumstances of this case and the provisions of the Local Development Plan and the SPG I also find that it does not serve a useful planning purpose for the reasons given above.

## **Conclusion**

14. For the reasons given above I consider that the obligation does not satisfy the tests set out in Welsh Office Circular 13/97: Planning Obligations. Having taken all the evidence and circumstances of the case into account, I conclude that the appeal should be allowed.
15. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act:

*A L McCooey*

**Inspector**

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## Appeal Decision

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by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/09/2023

Appeal reference: CAS-02737-C3R2Y0

Site address: 1 Bear Passage, Welshpool SY21 7JL

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Lloyd against the decision of Powys County Council.
  - The application Ref 22/1849/FUL, dated 1 November 2022, was refused by notice dated 26 April 2023.
  - The development proposed is change of use of former sandwich bar premises to create single dwelling unit.
  - A site visit was made on 18 July 2023.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of future occupiers, with regard to noise.

### Reasons

3. The appeal property is a vacant commercial unit arranged over two storeys and fronting onto a pedestrian passageway leading from the adjoining highway. The neighbouring building, 38 High Street, and an entrance to the licensed bar/nightclub within, is situated on the opposite side of the passageway.
4. Due to the close proximity of the bar/nightclub, future occupiers of the appeal property would likely experience a substantial amount of noise disturbance from patrons as they queue, enter, exit and gather around the premises, and from music and other internal sounds, particularly whilst the entrance door is open. Any effects would be exacerbated by the modest size of the proposal, which would provide little opportunity for future occupiers to distance themselves from noise sources.
5. Although the bar/nightclub is currently not in use, there is a valid licence in place allowing operation every day and night, mostly until the early hours of the morning, and this could be implemented at any time. The hours of operation would also result in any noise potentially occurring frequently and over extended periods of time, particularly during the night when future occupiers of the appeal property would be most sensitive to sound. Whilst the appellants contend that any future use of the bar/nightclub is unlikely and

would be infrequent, such comments are unsubstantiated and I cannot be confident this would be the case. The Council's reference to previous noise complaints from nearby occupiers in relation to the bar/nightclub serves to reinforce my concerns that there would be a harmful effect as a result of noise.

6. I acknowledge the submitted Noise Assessment, which concludes that predicted noise levels experienced within the appeal property could be managed to within acceptable limits. However, this would be dependent in part upon the windows and door to the front elevation remaining closed. To my mind, requiring future occupiers to keep windows and doors closed for lengthy periods of time, all year round is unlikely to be practical or realistically achievable. Nor am I satisfied that this would result in an acceptable living environment, given the need for air flow and temperature control, with the only usable opening being a single window in the rear elevation at first-floor level. I note the appellant's willingness to accept a condition to secure the provision of a mechanical ventilation system. However, based on the limited information provided, I am unable to conclude that this would be an effective and acceptable solution.
7. Drawing together all of the above, I find that the proposal would cause significant harm to the living conditions of future occupiers, with regard to noise. It would therefore conflict with LDP Policy DM13, which seeks to ensure the amenities of the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise.

#### **Other Matters**

8. I note the appellant's comments regarding difficulties in securing an alternative use for the property and that the proposal would bring vacant premises back into use, which may contribute to the vitality of the town centre. However, given the small scale of the proposal, such a benefit is likely to be relatively limited and therefore would not outweigh the harm I have identified.
9. Although a nearby property may have been converted to residential use in previous years, I do not have the details of this before me, or confirmation that the same policy framework was in place at that time. I therefore cannot be sure this represents a direct parallel with the proposal before me and, in any event, I must determine this appeal on its own merits. Accordingly, I afford this matter little weight.
10. Concerns raised by the appellant regarding the Council's handling of the planning application do not alter my assessment of the planning merits of the proposal.
11. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

#### **Conclusion**

12. For the reasons given above, the appeal is dismissed.

*Claire MacFarlane*

**INSPECTOR**

**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT  
BY TEAMS ON WEDNESDAY, 9 AUGUST 2023**

PRESENT

County Councillor G E Jones (Chair)

County Councillors D Edwards and G Morgan

<b>1.</b>	<b>RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS</b>
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**RESOLVED** that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

<b>2.</b>	<b>REVIEW OF A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE AND IF APPROPRIATE THE RE-PLATING OF A VEHICLE- JD/03/23</b>
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**2.1. Sub-Committee's procedures**

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

**2.2. Review of a licence and if appropriate the re-plating of a vehicle**

**Applicant – JD/03/23**

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. The Licensing Officer advised that if the Sub-Committee agreed to reinstate the licence to JD/03/23, it was also being asked to consider reinstating the licence plate for the vehicle used by JD/03/23.

JD/03/23 explained the circumstances leading to the suspension and responded to questions from the Sub-Committee.

In respect of the vehicle the Sub-Committee noted the age of the vehicle and the Council's Taxi Licensing Policy.

The Licensing Officer read out two letters of support for JD/03/23.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the joint hackney carriage</b>	<b>That the Applicant is a fit and</b>

<b>and private hire driver's licence be reinstated to JD/03/23 and that the vehicle licence plate be reinstated.</b>	<b>proper person to hold such a licence.</b>
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The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

<b>3.</b>	<b>APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - JD/04/23</b>
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### 3.1. Sub-Committee's procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

### 3.2. Application for Joint Hackney Carriage and Private Hire Driver's Licence

#### **Applicant – JD/04/23**

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

JD/04/23 explained the circumstances leading to the endorsement and referred to the statement which had been circulated to the Sub-Committee.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the joint hackney carriage and private hire driver's licence for JD/04/23 be approved.</b>	<b>That the Applicant is a fit and proper person to hold such a licence.</b>

**County Councillor G E Jones (Chair)**